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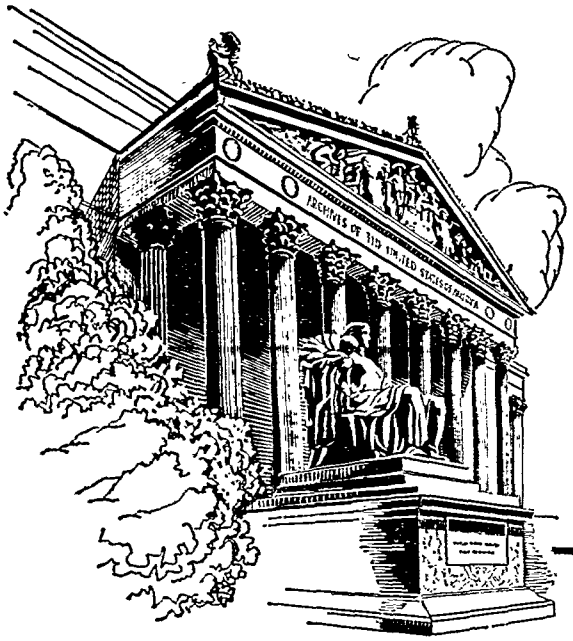

Announcing a New Information Service

Beginning August 2, 1965, the General Services Administration inaugurated a new information service, the "Weekly Compilation of Presidential Documents." The service makes available transcripts of the President's news conferences, messages to Congress, public speeches and statements, and other Presidential materials released by the White House up to 5 p.m. of each Friday.

The *Weekly Compilation* was developed in response to many requests received by the White House and the Bureau of the Budget for a better means of distributing Presidential materials. Studies revealed that the existing method of circularization by means of mimeographed releases was failing to give timely notice to those Government officials who needed them most.

The General Services Administration believes that a systematic, centralized publication of Presidential items on a weekly basis will provide users with up-to-date information on Presidential policies and pronouncements. The service is being carried out by the Office of the Federal Register, which now publishes similar material in annual volumes entitled "Public Papers of the Presidents."

The *Weekly Compilation* carries a Monday dateline. It includes an Index of Contents on the first page and a Cumulative Index at the end. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, and a checklist of White House releases.

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(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

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Rules and Regulations

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

PART 4—FORMS FOR TRADEMARK CASES

Miscellaneous Amendments

There follow amended rules of practice and an illustrative form adopted pursuant to Public Law 88-292, March 26, 1964, 78 Stat. 171, and title 35 U.S.C. section 6, thus prescribing the documents presently required by the Rules of Practice in Trademark Cases to be filed in the Patent Office under oath which may be subscribed to by a written declaration in the indicated form in lieu of the oath otherwise required. Present rules refer to verifications in many instances when requiring an oath in support of a document.

In the FEDERAL REGISTER of May 15, 1965, proposed new § 2.20, proposed amendments to the various sections relating to instances when the declaration in form described by § 2.20 might be used, and proposed § 4.1a, an illustrative form using the declaration, were published.

Interested persons were invited to submit their comments and suggestions on the proposals, and full and careful consideration has been given to all the material submitted.

Suggestions were made that the rules should make clear that the use of the declaration in lieu of the oath was equally acceptable in the prescribed instances when used in connection with documents relating to a service mark, a collective mark, or a certification mark as well as a trademark. This clarification has been effected by the use of the word "mark" in new § 2.20 instead of the proposed word "trademark." "Mark" is defined in the Trademark Act of 1946, as amended (15 U.S.C. 1051 et seq.), to include the other marks (15 U.S.C. 1127). Attention is also invited to §§ 2.43, 2.44, and 2.45 indicating the relationship of rules relating to trademarks and other marks.

Suggestions were also received to change in § 2.20 the phrase "on the same paper" to "on the same document" to parallel the language of Public Law 88-292. We have retained the language of the proposed § 2.20 to provide assurance that the declaration will have the required warning in close proximity to the signature of the declarant.

An alternative form (§ 4.1a) for a *Trademark application by an individual; Principal Register with declaration* is provided in addition to the present form (§ 4.1) for a *Trademark application by an individual; Principal Register with oath*, as illustrative of the required form of a written declaration. We have not undertaken to provide alternatives to other forms for instances when the declaration may under these amended rules be used as an alternative to the oath or verification since we believe the illustrative form and the general directions of § 2.20 will enable those practicing before the Patent Office to adapt existing forms to the prescribed instances of use.

Two points must be remembered in connection with these changes: (1) The use of the declaration is an alternative to the use of the oath. Either in proper form is acceptable. (2) The declaration may be used only in those instances where the Commissioner has provided that it will be an acceptable alternative.

These amended rules will take effect on the date of this publication in the FEDERAL REGISTER. Declarations, executed on and after that date, in proper form, will be accepted in the prescribed instances in lieu of the oath or verification heretofore required.

1. Owing to the extensive effect of the above-described changes, the text of Part 2 is republished in its entirety:

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

AUTHORITY: The provisions of this Part 2 issued under sec. 41, 60 Stat. 440, sec. 1, 66 Stat. 793, sec. 1, 78 Stat. 171; 15 U.S.C. 1123, 35 U.S.C. 6, 25, except as otherwise noted.

§ 2.1 Sections of Part 1 applicable.

Sections 1.1 to 1.26 of this chapter are applicable to trademark cases except such parts thereof which specifically refer to patents. Other sections of Part 1 incorporated by reference or referred to in particular sections of this part are also applicable to trademark cases.

§ 2.6 Trademark fees.

In addition to the fees prescribed by statute, the following fees and charges are established by the Patent Office for trademark cases:

(a) For each printed copy of a registration with data entered of record as of date of mailing, relating to renewal, cancellation, publication under section 12 (c) of the 1946 Trademark Act and affidavits under sections 8 and 15 of such act	$0.50
(b) For photocopies or other reproductions of records, drawings, or printed material, per page of material copied	.30
(c) [Deleted]	
(d) For making drawings, when facilities are available, the cost of making the same, minimum charge per sheet	10.00
(e) For correcting drawings, the cost of making the correction plus a photoprint of the uncorrected drawing, minimum charge	3.30

See § 1.21 for patent and miscellaneous fees.

(Sec. 1, 66 Stat. 796; 35 U.S.C. 41)

REPRESENTATION BY ATTORNEYS AND AGENTS

AUTHORITY NOTE: §§ 2.11 to 2.19 interpret or apply 35 U.S.C. 31, 32.

§ 2.11 Applicants may be represented by an attorney.

The owner of a trademark may file and prosecute his own application for registration of such trademark, or he may be represented by an attorney or other person authorized to practice in trademark cases. The Patent Office cannot aid in the selection of an attorney or agent.

§ 2.12 Persons who may practice before the Patent Office in trademark cases.

(a) Attorneys at law: Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State, Territory, or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law, may represent others before the Patent Office in trademark cases. No application for recognition to practice in trademark cases by attorneys at law is required.

(b) Non-lawyers: Persons who are not attorneys at law as specified in paragraph (a) of this section are not recognized to practice before the Patent Office in trademark cases, except that persons not attorneys at law who were recognized to practice before the Patent Office under this chapter prior to January 1, 1957, will be recognized as agents to continue practice in trademark cases in the Patent Office.

(c) Foreign attorneys and agents: Any foreign attorney or agent not a resident of the United States who shall file proof to the satisfaction of the Commissioner that he is registered and in good standing before the patent or trademark office of the country in which he resides and practices, may be recognized to represent applicants located in such country before the United States Patent Office in the presentation and prosecution of trademark applications: *Provided*, That the patent or trademark office of such country allows substantially reciprocal privileges to those permitted to practice in trademark cases before the United States Patent Office. Such recognition shall continue only during the period that the conditions specified obtain.

(d) Recognition of any person under this section is not to be construed as sanctioning or authorizing the performance of any acts regarded in the jurisdiction where performed as the unauthorized practice of law.

(e) No persons other than those mentioned in paragraphs (a), (b), and (c) of this section will be permitted to practice before the Patent Office in trademark cases. Any person may appear for himself, or for a firm of which he is a member, or for a corporation or association of which he is an officer and which he is authorized to represent, if such person, firm, corporation, or association is a party to the proceeding.

(f) Persons otherwise entitled to be recognized to practice under this section may, nevertheless, be refused recognition for cause.

§ 2.13 Professional conduct.

Attorneys and other persons appearing before the Patent Office in trademark cases must conform to the standards of ethical and professional conduct generally applicable to attorneys before the courts.

§ 2.14 Advertising.

(a) The use of display advertising, circulars, letters, cards, and similar material to solicit trademark business, directly or indirectly, is forbidden as unprofessional conduct, and any person engaging in such solicitation, or associated with or employed by others who so solicit, shall be refused recognition to practice before the Patent Office or sus-

pended or excluded from further practice.

(b) The use of simple professional letterheads, calling cards, or office signs; simple announcements necessitated by opening an office, change of association, or change of address, distributed to clients and friends, and insertion of professional cards, listings in common form (not display) in a classified telephone or city directory, and listings and professional cards with biographical data in standard professional directories are not prohibited.

(c) No agent shall, in any material specified in paragraph (b) of this section or in papers filed in the Patent Office, represent himself to be an attorney, solicitor or lawyer.

§ 2.15 Signature and certificate of attorney or agent.

(a) Every paper filed by an attorney at law or other person representing an applicant or party to a proceeding in the Patent Office must bear the signature of such attorney at law or other person except those papers which are required to be signed by the applicant or party. The signature of an attorney at law or such other person to a paper filed by him, or the filing of any paper by him, constitutes a certificate that the paper has been read; that its filing is authorized; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay.

(b) When an applicant or party is represented by a firm composed of attorneys at law, papers may carry the signature or name of the firm, with the signature of a member or associate of the firm.

(c) When an applicant or party is represented by a firm (registered in accordance with § 1.341 (d) of this chapter) which includes one or more nonlawyers, papers may carry the signature or name of the firm, but in any case, they must carry the signature of an individual member of the firm or of an individual employee of the firm who is registered in the Patent Office and who is authorized to sign on behalf of the firm, and the certification referred to in paragraph (a) of this section shall, in either case, be a certification by and on behalf of the firm and by the individual.

§ 2.16 Suspension or exclusion from practice.

The Commissioner of Patents may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before the Patent Office any person, attorney, or agent shown to be incompetent or disreputable, or guilty of unethical or unprofessional conduct or gross misconduct, or who refuses to comply with the rules and regulations, or who shall, with intent to defraud in any manner, deceive, mislead, or threaten any applicant or prospective applicant or other person having immediate or prospective business before the Patent Office, by word, circular, letter, or in any other manner. The reasons for any such suspension or exclusion shall be duly recorded. Proceedings for suspension, disbarment or exclusion from practice are conducted as provided in § 1.348. (See 35 U.S.C. 1958, sec. 32 for review of the Commissioner's action by the United States District Court for the District of Columbia.)

§ 2.17 Recognition for representation.

(a) When an attorney at law acting in a representative capacity appears in person or signs a paper in practice before the Patent Office in a trademark case, his personal appearance or signature shall constitute a representation to the Patent Office that under the provisions of these rules and the law he is authorized, and qualified under § 2.12(a), to represent the particular party in whose behalf he acts. Further proof of authority to act in a representative capacity may be required.

(b) Before any non-lawyer will be allowed to take action of any kind in any application or proceeding, a written authorization from the applicant, party to the proceeding, or other person entitled to prosecute such application or proceeding must be filed therein.

§ 2.18 Correspondence held with attorney or agent.

Correspondence will be held with the attorney at law, or other recognized person who shall have filed his written authorization, representing the applicant or party to a proceeding. Double correspondence will not be undertaken, and if more than one attorney at law appears or more than one agent is authorized, correspondence will be held with the one last appearing or appointed, as the case may be, unless otherwise requested.

§ 2.19 Revocation of power of attorney or authorization of agent.

Authority to represent an applicant or a party to a proceeding may be revoked at any stage in the proceedings of a case upon notification to the Commissioner; and when it is so revoked, the Office will communicate directly with the applicant or party to the proceeding or with such other qualified person as may be authorized. The Patent Office will notify the person affected of the revocation of his authorization.

DECLARATIONS

§ 2.20 Declarations in lieu of oaths.

The applicant or member of the firm or an officer of the corporation or association making application for registration or filing a document in the Patent Office relating to a trademark may, in lieu of the oath, affidavit, verification, or sworn statement required from him, in those instances prescribed in the individual rules, file a declaration that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true, if, and only if, the declarant is, on the same paper, warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of the application or document or any registration resulting therefrom.

APPLICATION FOR REGISTRATION

AUTHORITY NOTE: §§ 2.21 to 2.47 interpret or apply sec. 1, 60 Stat. 427; 15 U. S. C. 1051.

§ 2.21 Parts of application.

A complete application for registration comprises:

(a) A written application (see §§ 2.31 to 2.47);

(b) A drawing of the mark (see §§ 2.51 to 2.55);

(c) Five specimens or facsimiles (see §§ 2.56 to 2.58);

(d) The required filing fee;

(e) A certification or a certified copy of the registration in the country of origin if the application is based on such foreign registration pursuant to section 44(e) of the act. (See § 2.39.)

§ 2.22 Application must be complete to receive filing date.

An application will not be considered filed unless all the required parts specified in § 2.21, complying with the rules relating thereto, are received, but minor informalities may be waived subject to subsequent correction. If the papers are incomplete or so defective that they cannot be accepted, the applicant will be notified and the papers and fee held six months for completion. If the application is not completed within such time, the papers and fee will be returned to the applicant or otherwise disposed of; the drawing or fee of an unaccepted application may be transferred to a later application.

§ 2.23 Serial number and filing date.

Complete applications will be numbered as received, and the applicant will be informed of the serial number and filing date of the application. The filing date of the application is the date on which the complete application is received in the Patent Office in acceptable form.

§ 2.24 Designation of representative by foreign applicant.

If the applicant is not domiciled in the United States, he must designate by a written document filed in the Patent Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. If this document does not accompany or form part of the application, it will be required and registration refused unless it is supplied. Official communications of the Patent Office will be addressed to the domestic representative unless the application is being prosecuted by an attorney at law or other qualified person duly authorized. The mere designation of a domestic representative does not authorize the person designated to prosecute the application unless qualified under § 2.12(a), or qualified under paragraph (b) or (c) of § 2.12 and authorized under § 2.17(b).

§ 2.25 Papers not returnable.

After an application is filed the papers will not be returned for any purpose whatever; but the Office will furnish copies to the applicant upon request and payment of the fee.

§ 2.26 Use of old drawing in new application.

In an application filed in place of an abandoned or rejected applica-

tion, or in an application for reregistration (§ 2.158), a new complete application is required, but the old drawing, if suitable, may be used. The application must be accompanied by a request for the transfer of the drawing, and by a permanent photographic copy, or an order for such copy, of the drawing to be placed in the original file. A drawing so transferred, or to be transferred, cannot be amended.

§ 2.27 Pending application index; access to applications.

(a) An index of pending applications including the name and address of the applicant, a reproduction or description of the mark, the goods or services with which the mark is used, the class number, the dates of use, and the serial number and filing date of the application will be available for public inspection as soon as practicable after filing. Access to the file of a particular pending trademark application will be permitted prior to publication under § 2.81 upon the showing in writing of good cause for such access. Decisions of the Commissioner and the Trademark Trial and Appeal Board in applications and proceedings relating thereto are published or available for inspection or publication.

(b) After a mark has been registered, or published for opposition, the file of the application and all proceedings relating thereto are available for public inspection and copies of the papers may be furnished upon paying the fee therefor.

(Sec. 41, 60 Stat. 440; 15 U.S.C. 1123)

THE WRITTEN APPLICATION

§ 2.31 Application must be in English.

The application must be in the English language and plainly written on but one side of the paper. Legal size paper, typewritten double spaced, with at least a one and one-half inch margin on the left-hand side and top of the page, is deemed preferable.

§ 2.32 Application to be signed and sworn to or include a declaration by applicant.

(a) The application must be made to the Commissioner of Patents and must be signed and verified (sworn to) or include a declaration in accordance with § 2.20 by the applicant or by a member of the firm or an officer of the corporation or association applying.

(b) Re-executed papers or a statement which is verified or which includes a declaration in accordance with § 2.20 of continued use of the mark may be required when the application has not been filed in the Patent Office within a reasonable time after the date of execution.

(c) The signature to the application must be the correct name of the applicant, since the name will appear in the certificate of registration precisely as it is signed to the application. The name of the applicant, wherever it appears in the papers of the application, will be made to agree with the name as signed.

§ 2.33 Requirements for application.

(a) (1) The application shall include a request for registration and shall specify:

(i) The name of the applicant;

(ii) The citizenship of the applicant; if the applicant be a partnership, the names and citizenship of the general partners or, if the applicant be a corporation or association, the state or nation under the laws of which organized;

(iii) The domicile and post office address of the applicant;

(iv) That the applicant has adopted and is using the mark shown in the accompanying drawing;

(v) The particular goods on or in connection with which the mark is used;

(vi) The class of merchandise according to the official classification, if known to the applicant;

(vii) The date of applicant's first use of the mark as a trademark on or in connection with goods specified in the application (see § 2.38);

(viii) The date of applicant's first use in commerce of the mark as a trademark on or in connection with goods specified in the application, specifying the nature of such commerce (see § 2.38);

(ix) The mode, manner or method of applying, affixing or otherwise using the mark on or in connection with the goods specified.

(2) If more than one item of goods is specified in the application, the dates of use required in subparagraph (1) (vii) and (viii) of this paragraph need be for only one of the items specified, provided the particular item to which the dates apply is designated.

(3) The word "commerce" as used throughout this part means commerce which may lawfully be regulated by Congress, as specified in section 45 of the act.

(b) The application must also include averments to the effect that the applicant or other person making the verification or declaration in accordance with § 2.20 believes himself or the firm, corporation, or association in whose behalf he makes the verification or declaration in accordance with § 2.20 to be the owner of the mark sought to be registered; that the mark is in use in commerce, specifying the nature of such commerce; that no other person, firm, corporation, or association, to the best of his knowledge and belief, has the right to use such mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; that the specimens or facsimiles show the mark as actually used in connection with the goods; and that the facts set forth in the application are true.

(c) For an application for the registration of a mark for goods or services falling within a plurality of classes, see § 2.87.

§ 2.34 [Reserved]

§ 2.35 Description of mark.

A description of the mark, which must be acceptable to the Examiner of Trademarks, may be included in the application, and must be included if required by the examiner. If the mark is displayed in color or a color combination, the colors should be described in the application.

§ 2.36 Identification of prior registrations.

Prior registrations of the same or similar marks owned by the applicant should be identified in the application.

§ 2.37 Authorization for representation; U.S. representative.

The authorization of a qualified person to represent applicant (§ 2.17(b)) and the appointment of a domestic representative (§ 2.24) may be included as a paragraph or paragraphs in the application.

§ 2.38 Use by predecessor or by related companies.

(a) If the first use, the date of which is required by paragraph (a) (1) (vii) or (viii) of § 2.33, was by a predecessor in title, or by a related company (sections 5 and 45 of the act), and such use inures to the benefit of the applicant, the date of such first use may be asserted with a statement that such first use was by the predecessor in title or by the related company as the case may be.

(b) If the mark is not in fact being used by the applicant but is being used by one or more related companies whose use inures to the benefit of the applicant under section 5 of the act, such facts must be indicated in the application.

(c) The Office may require such details concerning the nature of the relationship and such proofs as may be necessary and appropriate for the purpose of showing that the use by related companies inures to the benefit of the applicant and does not affect the validity of the mark.

(Sec. 5. 60 Stat. 429; 15 U. S. C. 1055)

§ 2.39 Omission of allegation of use in commerce by foreign applicants.

(a) The allegation that the mark is in use in commerce, required by § 2.33(b), and the statements of the dates of applicant's first use, required by § 2.33(a) (1) (vii) and (viii), may be omitted in the case of an application filed pursuant to section 44(e) of the act for registration of a mark duly registered in the country of origin of a foreign applicant, provided the application when filed is accompanied by a certificate of the trademark office of the foreign country showing that the mark has been registered in the country of origin of the applicant and also showing the mark, the goods for which registered and that said registration is then in full force and effect. If the certificate is not in the English language, a translation is required.

(b) Such allegations and statements may also be omitted in the case of an application claiming the benefit of a prior foreign application in accordance with section 44(d) of the act. The application in such case shall state the date and country of the first foreign application and, before the application can be considered as allowable, there must be filed a certificate of the trademark office of the foreign country showing that the mark has been registered in the country of origin of the applicant and also showing the mark, the goods for

which registered and the date of filing of the application. In such cases the specification of goods shall not exceed the scope of that covered by the foreign registration or application. In the event the application is based upon a subsequent regularly filed application in the same foreign country the application must so state and must show that any prior filed application has been withdrawn, abandoned or otherwise disposed of, without having been laid open to public inspection and without having any rights outstanding, and has not served as a basis for claiming a right of priority.

(Sec. 44, 60 Stat. 441, as amended; 15 U.S.C. 1126)

§ 2.41 Proof of distinctiveness under section 2(f).

(a) When registration is sought of a mark which would be unregistrable by reason of section 2(e) of the act but which is said by applicant to have become distinctive in commerce of the goods set forth in the application, applicant may, in support of registrability, submit with the application, or in response to a request for evidence or to a refusal to register, affidavits, or declarations in accordance with § 2.20, depositions, or other appropriate evidence showing duration, extent and nature of use and advertising expenditures in connection therewith (identifying types of media and attaching typical advertisements), and affidavits, or declarations in accordance with § 2.20, letters or statements from the trade or public, or both, or other appropriate evidence tending to show that the mark distinguishes such goods.

(b) In appropriate cases, ownership of one or more prior registrations on the Principal Register or under the act of 1905 of the same mark may be accepted as prima facie evidence of distinctiveness. Also, if the mark is said to have become distinctive of applicant's goods by reason of substantially exclusive and continuous use thereof by applicant for the five years next preceding the application filing date, a showing by way of statements which are verified or which include declarations in accordance with § 2.20, in the application may, in appropriate cases, be accepted as prima facie evidence of distinctiveness. In each of these situations, however, further evidence may be required.

§ 2.42 Concurrent use.

(a) An application for registration as a lawful concurrent user shall specify and contain all the elements required by the preceding sections. The applicant in addition shall state in the application, to the extent of his knowledge, the concurrent lawful use of the mark by others, setting forth their names and addresses; registrations issued to or applications filed by such others, if any; the areas of such use; the goods on or in connection with which such use is made; the mode of such use; the periods of such use; and the area, the goods, and the mode of use for which the applicant seeks registration.

(b) The verification or declaration in accordance with § 2.20 shall be made with the stated exceptions.

(Sec. 2, 60 Stat. 428; 15 U.S.C. 1052)

§ 2.43 Service mark.

In an application to register a service mark, the application shall specify and contain all the elements required by the preceding sections for trademarks, but shall be modified to relate to services instead of to goods wherever necessary.

(Sec. 3, 60 Stat. 429; 15 U.S.C. 1053)

§ 2.44 Collective mark.

In an application to register a collective mark, the application shall specify and contain all applicable elements required by the preceding sections for trademarks, but shall, in addition, specify the class of persons entitled to use the mark, indicating their relationship to the applicant, and the nature of the applicant's control over the use of the mark.

(Sec. 4, 60 Stat. 429; 15 U.S.C. 1054)

§ 2.45 Certification mark.

In an application to register a certification mark, the application shall specify and contain all applicable elements required by the preceding sections for trademarks. It shall, in addition, specify the manner in which and the conditions under which the certification mark is used; it shall allege that the applicant exercises legitimate control over the use of the mark and that he is not himself engaged in the production or marketing of the goods or services to which the mark is applied.

§ 2.46 Principal Register.

All applications will be treated as seeking registration on the Principal Register unless otherwise stated in the application. Service marks, collective marks, and certification marks, registrable in accordance with the applicable provisions of section 2 of the act, are registered on the Principal Register.

§ 2.47 Supplemental Register.

In an application to register on the Supplemental Register, the application shall so indicate and shall specify that the mark has been in continuous use in commerce, specifying the nature of such commerce, by the applicant for the preceding year, if the application is based on such use. When an applicant requests registration without a full year's use of the mark, in accordance with the last paragraph of section 23 of the act, the showing required must be separate from the application.

(Sec. 23, 60 Stat. 435; 15 U.S.C. 1091)

DRAWING

AUTHORITY NOTE: §§ 2.51 to 2.55 interpret or apply sec. 1, 60 Stat. 427; 15 U. S. C. 1051.

§ 2.51 Drawing required.

(a) The drawing of the trademark shall be a substantially exact representation thereof as actually used on or in connection with the goods.

(b) The drawing of a service mark shall be a substantially exact representation of the mark as used in the sale or advertising of the services. The drawing of a service mark may be dispensed with in the case of a mark not capable of representation by a drawing, but in any such case the application must contain an adequate description.

(c) In the case of an application for registration on the Supplemental Register, the drawing, when appropriate and necessary (section 23, third paragraph, of the act), may be the drawing of a package or configuration of goods.

(d) If the application is for the registration only of a word, letter or numeral, or any combination thereof, not depicted in special form, the drawing may be the mark typed in capital letters on paper, otherwise complying with the requirements of § 2.52.

§ 2.52 Requirements for drawings.

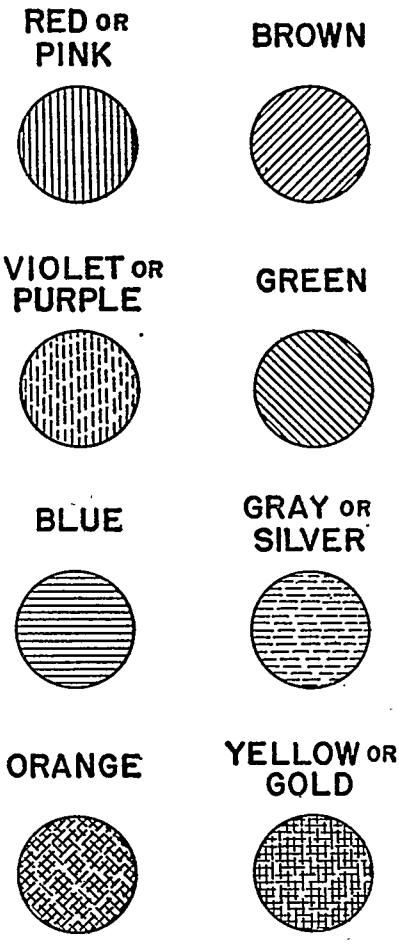
(a) *Character of drawing.* All drawings, except as otherwise provided, must be made with the pen or by a process which will give them satisfactory reproduction characteristics. A photolithographic reproduction or printer's proof copy may be used if otherwise suitable. Every line and letter must be black. This direction applies to all lines, however fine, and to shading. All lines must be clean, sharp, and solid, and they must not be too fine or crowded. Surface shading, when used, should be open. The requirements of this paragraph are not necessary in the case of drawings permitted and filed in accordance with paragraph (d) of § 2.51.

(b) *Paper and ink.* The drawing must be made upon pure white durable paper, the surface of which is calendered and smooth. A good grade of bond paper is suitable. India ink alone must be used for pen drawings to secure perfectly black solid lines. The use of white pigment to cover lines is not acceptable.

(c) *Size of paper and margins.* The size of the sheet on which a drawing is made must be 8 inches wide and 11 to 13 inches long. One of the shorter sides of the sheet should be regarded as its top. When the figure is longer than the width of the sheet, the sheet should be turned on its side with the top at the right. The size of the mark must be such as to leave a margin of at least one inch on the sides and bottom of the paper and at least one inch between it and the heading.

(d) *Heading.* Across the top of the drawing, beginning one inch from the top edge and not exceeding one-fourth of the sheet, there should be placed a heading, listing in separate lines, applicant's name, applicant's post office address, the dates of first use, and the goods or services recited in the application (or typical items of the goods or services if a number are recited in the application). This heading may be typewritten.

(e) *Linings for color.* Where color is a feature of a mark, the color or colors employed may be designated by means of conventional linings as shown in the following color chart:



§ 2.53 Transmission of drawings.

Drawings transmitted to the Patent Office, other than those typed in accordance with § 2.51 (d), should be sent flat, protected by a sheet of heavy binder's board, or should be rolled for transmission in a suitable mailing tube to prevent mutilation or folding.

§ 2.54 Informal drawings.

A drawing not in conformity with the foregoing rules may be accepted for purpose of examination, but the drawing must be corrected or a new one furnished, as required, before the mark can be published or the application allowed. The necessary corrections will be made by the Patent Office upon applicant's request and at his expense. Substitute drawings will not be accepted unless they have been required by the examiner or correction of the original drawing would require that the mark be substantially entirely redrawn.

§ 2.55 Patent Office may make drawings.

The Patent Office, at the request of applicants and at their expense, will make drawings if facilities permit.

SPECIMENS

AUTHORITY NOTE: §§ 2.56 to 2.58 interpret or apply sec. 1, 60 Stat. 427; 15 U. S. C. 1051.

§ 2.56 Specimens.

The five specimens of a trademark shall be specimens of the trademark as actually used on or in connection with the goods in commerce, and shall be duplicates of the actually used labels, tags, or containers, or the displays associated therewith or portions thereof, when made of suitable material and capable of being arranged flat and of a size not larger than the size of the drawing.

§ 2.57 Facsimiles.

When, due to the mode of applying or affixing the trademark to the goods, or to the manner of using the mark on the goods, or to the nature of the mark, specimens as above stated cannot be furnished, five copies of a suitable photograph or other acceptable reproduction, not larger than the size specified for the drawing and clearly and legibly showing the mark and all matter used in connection therewith, shall be furnished.

§ 2.58 Specimens or facsimiles in the case of a service mark.

(a) In the case of service marks, specimens or facsimiles as specified in §§ 2.56 and 2.57, of the mark as used in the sale or advertising of the services shall be furnished unless impossible because of the nature of the mark or the manner in which it is used, in which event some other representation acceptable to the Commissioner must be submitted.

(b) In the case of service marks not used in printed or written form, three single face, unbreakable, disc recordings will be accepted. The speed at which the recordings are to be played must be specified thereon. If facilities are not available to the applicant to furnish recordings of the required type, the Patent Office may arrange to have made, upon request, and at applicant's expense, the necessary disc recordings from any type of recording the applicant submits.

EXAMINATION OF APPLICATION AND ACTION BY APPLICANTS

AUTHORITY NOTE: §§ 2.61 to 2.69 interpret or apply sec. 12, 60 Stat. 432; 15 U. S. C. 1062.

§ 2.61 Action by Examiner.

(a) Applications for registration will be examined or caused to be examined by the Examiner of Trademarks, and, if the applicant is found not entitled to registration for any reason, he will be so notified and advised of the reasons therefor and of any formal requirements or objections.

(b) The examiner may require the applicant to furnish such information and exhibits as may be reasonably necessary to the proper examination of the application.

§ 2.62 Period for response.

The applicant has six months from the date of mailing of any action by the examiner to respond thereto. Such response may be made with or without amendment and must include such proper action by the applicant as the nature of the action and the condition of the case may require.

§ 2.63 Re-examination.

After response by the applicant, the application will be re-examined or reconsidered, and if the registration is again refused or formal requirements insisted upon, but not stated to be final, the applicant may respond again.

§ 2.64 Final action.

On the first or any subsequent reexamination or reconsideration the refusal of the registration or the insistence upon a requirement may be stated to be final, whereupon applicant's response is limited to an appeal or to a compliance with any requirement.

§ 2.65 Abandonment.

If an applicant fails to respond, or to respond completely, within six months after the date an action is mailed, the application shall be deemed to have been abandoned.

§ 2.66 Revival of abandoned applications.

An application abandoned for failure to respond may be revived as a pending application if it is shown to the satisfaction of the Commissioner that the delay was unavoidable. A petition to revive an abandoned application must be accompanied by a showing which is verified or which includes a declaration in accordance with § 2.20 of the causes of the delay, and by the proposed response, unless the same has been previously filed.

§ 2.67 Suspension of action by Patent Office.

(a) Action by the Patent Office may be suspended for a reasonable time specified upon request of the applicant for good and sufficient cause. Only one suspension will be granted by the examiner, and any further suspension must be approved by the Commissioner. No such suspension can extend any time fixed by statute for a response by the applicant.

(b) If registration is refused solely on the basis of a prior registration and the applicant files a petition to cancel the reference registration, such action upon notice thereof being placed in the application file by the applicant within the time for reply, shall be taken as a response to the refusal, and further action by the Office shall, at applicant's request, be suspended pending the termination of the cancellation proceeding.

§ 2.68 Express abandonment.

An application may be expressly abandoned by filing in the Patent Office a written declaration of abandonment signed by the applicant or, if assigned, by the assignee.

§ 2.69 Compliance with other laws.

When the sale or transportation of any product for which registration of a trademark is sought is regulated under an Act of Congress, the Office may, before allowance, make appropriate inquiry as to compliance with such act for the sole purpose of determining lawfulness of the commerce recited in the application.

AMENDMENT OF APPLICATION

AUTHORITY NOTE: §§ 2.71 to 2.75 interpret or apply sec. 12, 60 Stat. 432; 15 U. S. C. 1062.

§ 2.71 Amendments to application.

(a) The application may be amended to correct informalities, or to avoid objections made by the Patent Office, or for other reasons arising in the course of examination. No amendments to the dates of use will be permitted unless such changes are supported by affidavit or declaration in accordance with § 2.20 by the applicant and by such showing as may be required by the examiner.

(b) Additions to the specification of goods or services will not be permitted unless the mark was in actual use on all of the goods or services proposed to be added by the amendment at the time the application was filed and unless the amendment is accompanied by additional specimens (or facsimiles) and by a supplemental affidavit or declaration in accordance with § 2.20 by the applicant in support thereof.

(c) Amendment of the verification or declaration will not permitted. If that filed with the application be faulty or defective, a substitute or supplemental verification or declaration in accordance with § 2.20 must be filed.

§ 2.72 Amendments to description or drawing.

Amendments to the description or drawing of the mark may be permitted only if warranted by the specimens (or facsimiles) as originally filed, or supported by additional specimens (or facsimiles) and a supplemental affidavit or declaration in accordance with § 2.20 alleging that the mark shown in the amended drawing was in actual use prior to the filing date of the application. Amendments may not be made if the nature of the mark is changed thereby.

§ 2.73 Amendment to recite concurrent use.

An application may be amended in the examiner's discretion so as to be treated as an application for a concurrent registration, provided the application as amended satisfies the requirements of § 2.42.

§ 2.74 Form of amendment.

(a) In every amendment the exact word or words to be stricken out or inserted in the application must be specified and the precise point indicated where the deletion or insertion is to be made. Erasures, additions, insertions, or mutilations of the papers and records must not be made by the applicant or his attorney or agent.

(b) When an amendatory clause is amended, it must be wholly rewritten so that no interlineation or erasure will appear in the clause, as finally amended, when the application is passed to registration. If the number or nature of the amendments shall render it otherwise difficult to consider the case or to arrange the papers for printing or copying, or when otherwise desired to clarify the record, the examiner may require the entire statement to be rewritten.

§ 2.75 Amendment to change application to different register.

An application for registration on the Principal Register may be changed to an application for registration on the Supplemental Register and vice versa by amending the application to comply with the rules relating to the requirements for registration on the appropriate register, as the case may be. The original filing date may be considered for the purpose of proceedings in the Patent Office provided the application as originally filed was sufficient for registration on the register to which amended. Otherwise, the filing date of the amendment will be considered the filing date of the application so amended.

PUBLICATION AND ALLOWANCE

§ 2.81 Publication in Official Gazette.

If, on examination or re-examination of an application for registration on the Principal Register, it appears that the applicant is entitled to have his mark registered, the mark will be published in the Official Gazette for opposition. The mark also may be so published in the case of an application to be placed in interference or concurrent use proceeding, if otherwise registrable.

§ 2.82 Allowance of application.

If no opposition is filed within the time permitted (§§ 2.101 and 2.102), or if filed and dismissed, and if no interference is declared, or concurrent use proceeding instituted, the examiner will sign the application file to indicate allowance and the application will be prepared for issuance of the certificate of registration as provided in § 2.151.

§ 2.83 Marks on Supplemental Register published only upon registration.

In the case of an application for registration on the Supplemental Register the mark will not be published for opposition but if it appears, after examination or re-examination, that the applicant is entitled to have the mark registered, the examiner will sign the application file to indicate allowance and prepare the application for issuance of the certificate of registration as provided in § 2.151. The mark will be published in the Official Gazette when registered.

§ 2.84 Jurisdiction over published or allowed applications.

(a) After publication or allowance the examiner may exercise jurisdiction over an application by special authority from the Commissioner.

(b) Amendments may be made after the allowance of an application if the certificate has not been printed, on the recommendation of the examiner approved by the Commissioner, without withdrawing the allowance.

CLASSIFICATION

AUTHORITY NOTE: §§ 2.85 to 2.88 interpret or apply sec. 30, 60 Stat. 436; 15 U. S. C. 1112.

§ 2.85 Classification of goods and services.

There is established, for convenience of administration, the classification of goods and services set forth in Part 6 of this Chapter. Such classification shall not limit or extend the applicant's rights.

§ 2.86 Plurality of goods or services comprised in single class may be covered by single application.

A single application may recite a plurality of goods, or a plurality of services, comprised in a single class, provided the particular identification of each of the goods or services be stated and the mark has actually been used on or in connection with all of the goods or in connection with all of the services specified.

CLASSIFICATION

§ 2.87 Combined applications.

An application also may be filed to register the same mark for any or all of the goods or services upon or in connection with which the mark is actually used falling within a plurality of classes. However, a fee equaling the sum of the fees for filing an application in each class is required. A single certificate of registration for such mark may be issued.

§ 2.88 Applications may be combined.

(a) When several applications have been filed by the same applicant for registration on the same register of a mark shown in identical form on the drawings for goods in different classes, or services in different classes, and each of the applications has been allowed, a single certificate based on such several applications may be issued. A request for the issuance of a consolidated certificate must be made of record in each of the applications involved prior to the allowance of any of the applications.

(b) The issuance of any original certificate may be suspended upon request of the applicant, for a period not exceeding six months, to permit such consolidation.

INTERFERENCES

AUTHORITY NOTE: §§ 2.91 to 2.99 interpret or apply secs. 16, 17, 60 Stat. 434; 15 U. S. C. 1066, 1067.

§ 2.91 Interferences.

(a) Whenever application is made for registration on the Principal Register of a mark which so resembles a mark previously registered by another, or for the registration of which another has previously made application, as to be likely, when used on or in connection with the goods or services of the applicant, to cause confusion or mistake or to deceive, an interference may be declared to exist.

(b) An interference will not be declared between two applications unless a date of use prior to the filing date of the earlier filed application is asserted in the later filed application.

(c) An interference will not be declared between an application and a registration unless the date of use asserted in the application is prior to the filing date of the application which resulted in the registration, but in any case an interference will not be declared between an application and a registration issued

prior to the filing date of the application except upon specific authorization of the Commissioner.

(d) Registrations and applications to register on the Supplemental Register, registrations under the act of 1920, and registrations of marks the right to the use of which has become incontestable are not subject to interference.

§ 2.92 Preliminary to interference.

(a) Before the declaration of an interference, the marks which are to form the subject matter of the controversy must have been decided to be registrable by each party except for the interfering mark.

(b) The Examiner of Trademarks may require an applicant to put his application in condition for publication, within a time specified, not less than thirty days, in order that an interference may be declared. If any such applicant fails to put his application in condition for publication within the time specified, the declaration of interference will not necessarily be delayed.

(c) Whenever it shall be found that two or more parties whose interests are in conflict are represented by the same attorney, the Examiner of Trademarks shall notify each of said parties and also the attorney of this fact.

§ 2.93 Declaration of interference.

An interference is declared and instituted by the mailing of a notice of interference to the parties. The notice shall be sent to each applicant, in care of his attorney or agent of record, if any, and if one of the parties is a registrant, the notice shall be sent to him or his assignee of record. The notice shall give the name and address of the adverse party and of his attorney or agent, if any, together with the serial number and date of filing and publication, if published, of each of the applications or registrations involved.

§ 2.94 Interference motions.

(a) Motions to dissolve an interference may be brought on the ground (1) that no interference in fact exists, (2) that there has been such irregularity in declaring the same as will preclude a proper determination of the interference, or (3) that an applicant's mark is not registrable.

(b) Any party may bring a motion to add to the interference any other conflicting application which he may own.

(c) Motions under paragraph (a) or (b) of this section shall be made not later than forty days after the notice of interference is mailed and shall contain a full statement of the grounds relied upon. Such motions, if in proper form, will be transmitted to the Examiner of Trademarks for determination. Such transmittal will act as a stay of proceedings pending the determination of the motion. If the motion is not in proper form or if it is not brought within the time specified and no good cause is shown for the delay, it will not be considered, and the parties will be so notified. Any brief in support of a motion shall be embodied in or accompany the motion and any statement or brief in opposition to a motion shall be filed within twenty days after service of the motion; if not so filed, consideration thereof may be refused. Oral hearings will be held only at the request of any of the parties.

§ 2.95 Decision on motion to dissolve.

Appeal may be taken to the Trademark Trial and Appeal Board in the manner provided in §§ 2.141 and 2.142 from a decision granting a motion to dissolve. No appeal may be had from a decision denying such a motion, but the question may be reviewed by the Trademark Trial and Appeal Board in its final decision in the interference.

§ 2.96 Issue; burden of proof.

The issue in an interference between applications shall be the respective rights of the parties to registration. The issue in an interference between an application and a registration shall be the same, but in the event the final decision is adverse to the registrant, a registration to the applicant will not be authorized so long as the interfering registration remains on the register. The party whose application or registration involved in the interference has the latest filing date (the junior party) will be regarded as having the burden of proof.

§ 2.97 Enlargement of issue.

Any party to an interference may, within fifty days after the notice of interference is mailed, file a pleading setting forth affirmatively any matter on the basis of which, if proved, the other party would not be entitled to obtain or maintain a registration. Such pleading may request affirmative relief by way of cancellation of a registration involved, but no defense attacking the validity of such registration may be otherwise raised in the proceeding. Such request for affirmative relief must be verified or include a declaration in accordance with § 2.20 and must be accompanied by the fee as required by section 14 of the act. A reply to such request for affirmative relief is required within twenty days after service thereof, but no reply need be filed to other affirmative defenses.

§ 2.98 Adding party to interference.

If, during the pendency of an interference, another case appears involving substantially the same registrable subject matter, the Examiner of Trademarks may request the suspension of the interference for the purpose of adding said case. Such suspension will be granted as a matter of course if no testimony has been taken. If, however, any testimony has been, or is about to be, taken the case will not be added except upon approval of a member of the Trademark Trial and Appeal Board. If the case is not so added, the Examiner of Trademarks may suspend action on such case pending termination of the interference proceeding, following which an interference may be instituted between such case and the case of the party prevailing in the first interference.

§ 2.99 Application to register as concurrent user.

(a) An application for registration as a lawful concurrent user will be examined in the same manner as other applications for registration. When it is determined that the mark is ready for publication or allowance, except for questions relating to concurrent registration, the applicant may be required to furnish as many copies of his written application, specimens and drawing, as may be necessary. The Examiner of Trademarks shall prepare notices for the applicant and for each applicant, registrant, or user specified in the application for registration as a concurrent user. Such notices for the specified parties shall give the name and address of the applicant and of his attorney or agent, if any, together with the serial number and filing date of the application.

(b) The notices shall be sent to each of the parties, in care of their attorneys or agents, if they have attorneys or agents of record, and if one of the parties is a registrant, a notice shall also be sent to him or his assignee of record. A copy of the application shall be forwarded with the notices to the parties specified in the application. An answer to the notice is not required in the case of an applicant or registrant whose application or registration is specified in the application to register as concurrent user but a statement, if desired, may be filed within forty days after the mailing of the notice; in the case of other parties specified in the application to register as concurrent user, answer must be filed within forty days after the mailing of the notice.

(c) The procedure shall follow the practice in interference proceedings insofar as it is applicable and the time limitations prescribed in such practice shall be applicable herein.

(Sec. 2, 18, 60 Stat. 428, 434; 15 U. S. C. 1052, 1068)

OPPOSITION

AUTHORITY NOTE: §§ 2.101 to 2.106 interpret or apply secs. 13, 17, 60 Stat. 433, 434; 15 U.S.C. 1063, 1067.

§ 2.101 Time for filing opposition.

Any person who believes that he would be damaged by the registration of a mark upon the Principal Register may, upon payment of the required fee, oppose the same by filing an opposition, which is verified or which includes a declaration in accordance with § 2.20, in the Patent Office within thirty days after the publication (§ 2.81) of the mark sought to be registered.

§ 2.102 Extension of time.

A request to extend the time for filing an opposition must be received in the Patent Office before the expiration of thirty days from the date of publication, and should be accompanied by a showing of good cause for the extension requested and specify the period of extension desired. In the event circumstances do not permit submission of such showing of good cause with the request,

it should be furnished as promptly as possible and, in any event, within ten days after submission of such request.

§ 2.103 Opposition filed by attorney or agent.

An opposition which is unverified or not accompanied by a declaration in accordance with § 2.20 may be filed by a duly authorized attorney or agent. Such opposition and the required fee must be filed in the Patent Office within thirty days after publication (§ 2.81) of the mark sought to be registered but the opposition will be null and void unless confirmed by the opposer either by verification or declaration in proper form filed in the Patent Office within thirty days after such filing, or within such further time as may be fixed by the Commissioner upon request made before the expiration of the thirty days.

§ 2.104 Contents of opposition.

The opposition must allege facts tending to show why the opposer would be damaged by the registration of the opposed mark and state the specific grounds for opposition A duplicate copy of the opposition including exhibits shall be filed.

§ 2.105 Institution of opposition.

(a) When an opposition is filed, the Examiner of Trademarks shall transmit the same, if regularly filed, to the Trademark Trial and Appeal Board.

(b) A notice shall be prepared identifying the title and number of the proceeding and the application involved, and designating a time, not less than thirty days from the mailing date of said notice, within which answer must be filed. Copies of this notice shall be forwarded by the Trademark Trial and Appeal Board to the parties in care of their attorneys or agents, if they have attorneys or agents of record. The duplicate copy of the opposition and exhibits shall be forwarded with the notice to the applicant.

§ 2.106 Answer.

(a) If no answer is filed within the time set, the opposition may be decided as in case of default.

(b) An answer may contain any defense, and it may also contain a request for affirmative relief by way of cancellation of a registration pleaded in the opposition; but no defense attacking the validity of such registration may be otherwise raised in the proceeding. Such request for affirmative relief must be verified or include a declaration in accordance with § 2.20 and must be accompanied by the fee as required by section 14 of the act. A reply to such request for affirmative relief is required within twenty days after service thereof; but no other reply to the answer need be filed.

(c) The opposition may be withdrawn without prejudice before the answer is filed. After answer is filed the opposition may not be withdrawn without prejudice except with the consent of the applicant.

§ 2.107 Amendment of opposition.

An opposition may be amended in the same manner and to the same extent as a complaint in a civil action before a United States district court. See Rule 15 of the Federal Rules of Civil Procedure.

CANCELLATION

AUTHORITY NOTE: §§ 2.111 to 2.114 interpret or apply secs. 14, 17, 24, 60 Stat. 433, 434, 436; 15 U.S.C. 1064, 1067, 1092.

§ 2.111 Time for filing petition for cancellation.

Any person who believes that he is or will be damaged by a registration may, upon payment of the required fee, apply to the Commissioner to cancel said registration. Such petition may be made at any time in the case of registrations on the Supplemental Register or under the act of 1920, or registrations under the act of 1881 or the act of 1905 which have not been published under section 12(c) of the act (§ 2.153), and in cases involving the grounds specified in section 14 (c), (d), and (e) of the act. In all other cases such petition must be made within five years from the date of registration of the mark under the act of 1946 or from the date of publication under section 12(c) of the act.

§ 2.112 Petition for cancellation.

The petition to cancel, which must be verified, or include a declaration in accordance with § 2.20, must allege facts tending to show why the petitioner believes he is or will be damaged by the registration, state the specific grounds for cancellation, and indicate the respondent party to whom notice shall be sent. A duplicate copy of the petition, including exhibits, and an order for a title report for Office use (or an abstract of title) of the mark sought to be canceled shall be filed with the petition. Applications to cancel different registrations owned by the same party may be joined in one petition when appropriate, but the fee for each application to cancel a registration must accompany the petition.

§ 2.113 Notice of filing petition.

(a) When a petition for cancellation is filed, it shall be transmitted to the Trademark Trial and Appeal Board, which shall make examination thereof to determine if it is formally correct. If the petition is found to be defective as to form, the party filing the same shall be so advised and allowed a reasonable time for correcting the informality.

(b) When the petition is correct as to form, a notice shall be prepared, identifying the title and number of the proceeding and the registration involved, and designating a time, not less than thirty days from the mailing date of such notice, within which answer must be filed. A copy of this notice shall be forwarded to the petitioner in care of his attorney or agent, if he has an attorney or agent of record. The duplicate copy of the petition and exhibits shall be forwarded with a copy of such notice to the registrant.

§ 2.114 Answer.

(a) If no answer is filed within the time set, the petition may be decided as in case of default.

(b) An answer may contain any defense, and it may also contain a request for affirmative relief by way of cancellation of a registration pleaded in the petition; but no defense attacking the validity of such registration may be otherwise raised in the proceeding. Such request for affirmative relief must be verified, or include a declaration in accordance with § 2.20, and must be accompanied by the fee as required by section 14 of the act. A reply to such request for affirmative relief is required within twenty days after service thereof, but no other reply to the answer need be filed.

(c) The petition for cancellation may be withdrawn without prejudice before the answer is filed. After the answer is filed the petition may not be withdrawn without prejudice except with the consent of the registrant.

§ 2.115 Amendment of petition for cancellation.

A petition for cancellation may be amended in the same manner and to the same extent as a complaint in a civil action before a United States district court. See Rule 15 of the Federal Rules of Civil Procedure.

PROCEDURE IN INTER PARTES PROCEEDINGS

AUTHORITY NOTE: §§ 2.117 to 2.136 interpret or apply sec. 17, 60 Stat. 434; 15 U.S.C. 1067.

§ 2.117 Federal Rules of Civil Procedure.

(a) Except as otherwise provided, procedure and practice in inter partes proceedings shall be governed by the Federal Rules of Civil Procedure wherever considered applicable and appropriate.

(b) The party having the latest filing date in an interference, the opposer in an opposition proceeding, the petitioner in a cancellation proceeding, and the applicant to register as a concurrent lawful user (or such applicant having the latest filing date), shall be deemed to be in the position of plaintiff, and the other parties to such proceedings shall be deemed to be in the position of defendants.

(c) The opposition and the petition to cancel, and the answers thereto, correspond to complaint and answer in court proceedings. Such pleadings as may be filed in interference and concurrent registration proceedings will be treated as complaints or affirmative defenses, depending upon the party filing, but the filing of a pleading in such proceedings shall not operate to change the position of the parties as set forth in the preceding paragraph.

(d) The assignment of testimony periods corresponds to setting a case for trial in court proceedings.

(e) The taking of depositions during the assigned testimony periods corresponds to the trial in court proceedings.

(f) Oral hearing corresponds to oral summation in court proceedings.

§ 2.118 Undelivered Office notices.

When the notices sent by the Patent Office to any registrant are returned to the Office undelivered, or when one of the parties resides abroad and his representative in the United States is un-

known, additional notice may be given by publication in the Official Gazette for such period of time as the Commissioner may direct.

§ 2.119 Service of papers. –

(a) Every paper filed in the Patent Office in inter partes cases, including appeals, must be served upon the other parties as provided by § 1.248 except the notices of interference (§ 2.93), the notice of opposition (§ 2.105), the petition for cancellation (§ 2.113), and the notices of a concurrent use proceeding (§ 2.99), which are mailed by the Patent Office. Proof of such service must be made before the paper will be considered by the Office. A statement signed by the attorney or agent, attached to or appearing on the original paper when filed, clearly stating the time and manner in which service was made will be accepted as prima facie proof of service.

(b) When service is made by mail, the date of mailing will be considered the date of service. Whenever a party is required to take some action within a prescribed period after the service of a paper upon him by another party and the paper is served by mail, five days shall be added to the prescribed period.

§ 2.120 Discovery procedure.

The provisions of the Federal Rules of Civil Procedure relating to discovery are inapplicable in inter partes trademark cases except as specifically set forth in this section.

(a) *Depositions for discovery.* (1) Any party to an opposition, interference, cancellation or concurrent use proceeding may, at any time not later than thirty days prior to the day upon which any testimony may first be taken as set by initial or subsequent Office action, take the deposition of any person, including a party, for the purpose of discovery. Such depositions may be taken upon oral examination in the manner prescribed by §§ 1.273, 1.274, and 1.275 of this chapter, or upon written questions in the manner prescribed by § 2.124. The responsibility for securing the attendance of proposed deponents rests wholly with the interested party.

(2) *Scope of examination.* The deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding, whether it relates to the claim or defense of the examining party or to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony would be inadmissible at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence.

(3) *Use of discovery depositions.* Discovery depositions may be used in accordance with Rule 26(d) (1), (2) and (4) and (f) of the Federal Rules of Civil Procedure, provided the party offering the deposition, or any part thereof, in evidence files the same before the close of his testimony period and also files a notice of reliance thereon. Objections, including any made during the examination, will be considered only if made or renewed at the hearing.

(b) *Request for admission.* (1) Any party to an opposition, interference, cancellation or concurrent use proceeding may, within the time specified for taking deposition for discovery, serve upon any adverse party two copies of a written request for admission by the latter of the genuineness of any relevant document described in and attached to the request (a photocopy may be attached provided the original thereof is made available for inspection), or of the truth of any facts which are material and relevant to the issues and which are believed to be within the knowledge of both the party serving and the party served. Each matter in respect of which an admission is requested shall be considered as admitted unless, within fifteen days after service thereof, the party to whom the request is directed serves upon the party requesting the admission a sworn statement denying specifically the matter in respect of which admission is requested, or setting forth in detail the reasons why he cannot truthfully either admit or deny the same, or files objections thereto together with one copy of the request for admission. Any reply to such objections shall be due within ten days after service thereof.

(2) *Effect of admissions.* No admission shall be considered as part of the record in the case unless a party files, before the close of his testimony period, a notice of reliance thereon and a copy of the admission and request therefor.

(c) *Motion to produce documents, etc., for inspection and copying.* Upon motion showing good cause therefor, filed prior to the day upon which any testimony may first be taken as set by initial or subsequent Office action, an order may be entered requiring a party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated books, documents or other tangible things, not privileged, the existence of which has been pleaded or otherwise acknowledged, and which constitute or contain material within the scope of inquiries permitted in deposition for discovery and which are in his possession, custody or control. The order shall specify a time for compliance therewith, and may prescribe such terms and conditions as may be just.

(d) *Refusal to comply with an order to produce.* If any party fails or refuses to comply with an order to produce and permit the inspection and copying or photographing of designated things, the Trademark Trial and Appeal Board may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment as by default against that party, or take such other action as may be deemed appropriate.

(e) *Examination and cross-examination.* A party may interrogate any unwilling or hostile witness by leading questions. A party may call an adverse party or an officer, director, or managing agent of a public or private corporation or of a partnership or association which is an adverse party, and interrogate him by leading questions and contradict and impeach him in all respects as if he had been called by the adverse party, and the witness thus called may be contradicted and impeached by or on behalf of the adverse party also, and may be cross-examined by the adverse party only upon the subject matter of his examination in chief.

(f) *Interrogatories.* (1) Any party to an opposition, interference, cancellation or concurrent use proceeding may, within the time specified for taking depositions for discovery, serve upon any adverse party a written interrogatory limited to the name and address of the person or persons having knowledge of the facts contained in the pleading of such adverse party. An answer to the interrogatory shall be served upon the interrogating party within fifteen days after receipt thereof.

(2) If a party refuses to answer an interrogatory so limited, the Trademark Trial and Appeal Board may take any of the measures specified in paragraph (d) of this section for refusal to comply with an order to produce.

§ 2.121 Assignment of times for taking testimony.

(a) Times will be assigned for the taking of testimony in behalf of each of the parties, and no testimony shall be taken except during the times assigned. If there be more than two parties to an interference, the times for taking testimony will be so arranged that each shall have an opportunity to prove his case against prior parties, to rebut their evidence, and to meet the evidence of junior parties.

(b) The times will ordinarily be assigned in the notices sent by the Patent Office in interferences and in concurrent use proceedings, and in a notice sent after the answers have been filed in cases of opposition and cancellation.

§ 2.122 Matters in evidence.

(a) The files of the applications or registrations specified in the declaration of interference or in the notice in case of concurrent registration proceedings, of the application against which an opposition is filed, and of the registration against which a petition for cancellation or an affirmative defense requesting cancellation is filed, form part of the record of the proceeding without any action by the parties, and may be referred to for any relevant and competent purpose.

(b) A registration of the opposer or petitioner pleaded in an opposition or petition to cancel will be received in evidence and made part of the record if two copies of the printed registration accompany the opposition or petition. The Office will take notice of the fact shown by its record of renewal of such registrations, the publication thereof under section 12(c), the filing of affidavits or declarations under section 8, and the filing of affidavits or declarations under section 15, and such matters need not be proven by the parties. Notice will also be taken of a recorded assignment identified in an opposition or petition to cancel or other pleading, and such pleaded

recorded paper need not be otherwise proved by the parties.

§ 2.123 Testimony in inter partes cases.

(a) Testimony of witnesses in inter partes cases may be taken (1) by depositions on oral examination in accordance with §§ 1.273 to 1,281, 1.283, 1,285, 1.286 of this chapter; or (2) by written questions as provided by §§ 2.124 and 2.124a.

(b) If the parties so stipulate in writing, depositions may be taken before any person authorized to administer oaths, at any place, upon any notice, and in any manner, and when so taken may be used like other depositions. By agreement of the parties, the testimony of any witness or witnesses of any party, may be submitted in the form of an affidavit by such witness or witnesses. The parties may stipulate what a particular witness would testify to if called, or the facts in the case of any party may be stipulated.

(c) Printed publications, such as books and periodicals, available to the general public in libraries or of general circulation, and official records, may be introduced as provided in § 1.282 of this chapter. When a copy of an official record of the Patent Office is filed, it need not be a certified copy.

(d) Evidence not obtained and filed in compliance with these sections will not be considered.

(35 U.S.C. 23)

§ 2.124 Testimony by written questions.

(a) A party may take the testimony of a witness by written questions to be propounded by an officer before whom depositions may be taken, § 1.274 of this chapter. The questions shall be served upon the other party within ten days after the opening date set for taking the testimony of the party submitting the questions, together with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom the deposition is to be taken. Within ten days thereafter a party so served may serve cross questions upon the party proposing to take the deposition. Within five days thereafter the latter may serve redirect questions upon a party who has served cross questions. Within three days after being served with redirect questions, a party may serve recross questions upon the party proposing to take the depositions. Written objections to questions may be served on the party propounding the questions, within the time allowed the objector for serving further questions, and in response thereto substitute questions may be served, within three days.

(b) A copy of the notice and copies of all questions served shall be delivered by the party taking the testimony to the officer designated in the notice, who shall proceed to take the testimony of the witness in response to the questions and to prepare, certify, and file the deposition, attaching thereto the copy of the notice and the questions received by him. Such depositions are subject to the same rules for filing and serving copies as other depositions.

(c) On motion made within ten days after service of the notice and written questions, it may be ordered, for good cause shown, that the testimony be not taken in accordance with this section but by oral examination of the witness.

§ 2.124a Testimony taken in foreign countries.

Upon motion duly made and granted, testimony may be taken in foreign countries, upon complying with the following requirements:

(a) The motion must designate a place for the examination of the witnesses at which an officer duly qualified to take testimony under the laws of the United States in a foreign country shall reside, and it must be accompanied by a statement under oath that the motion is made in good faith, and not for the purposes of delay or of vexing or harassing any party to the case; it must also set forth the names of the witnesses, the particular facts to which it is expected each will testify, and the grounds on which is based the belief that each will so testify.

(b) It must appear that the testimony desired is material and competent, and that it cannot be taken in this country at all, or can not be taken here without hardship and injury to the moving party greatly exceeding that to which the opposite party will be exposed by the taking of such testimony abroad.

(c) Upon the granting of such motion, the Trademark Trial and Appeal Board will execute and forward to the moving party a commission authorizing the appropriate consular or other officer to take the depositions, and a time will be set within which the moving party shall serve in duplicate on each adverse party the interrogatories to be propounded to each witness, and such adverse party may, within a designated time, serve in duplicate, on the moving party cross-interrogatories. Objections to any of the interrogatories may be served with, or prior to service of, cross-interrogatories and objections to any of the cross-interrogatories may be served at any time before the depositions are taken, and testimony will be taken subject to the objections. Such objections will be considered and determined upon the hearing of the case if renewed at that time.

(d) As soon as the cross-interrogatories are served, the moving party will forward the interrogatories, the cross-interrogatories, the commission, and security for official fees to the proper officer, with the request that he notify the witnesses named to appear before him within a designated time and make answer thereto under oath; and that he reduce their answers to writing and transmit the same, under his official seal and signature to the Commissioner of Patents with the certificate prescribed in § 1.276 of this chapter. The letter of transmittal of the moving party should direct attention of the consular or other officer to the instructions on the reverse side of the commission and should indicate that any insufficiency or excess of the security for official fees should be directed to the attention of the said party; and in view of the requirements of §§ 1.253 and 2.125 of this chapter for filing and serving copies of testimony, the desired number of copies of the testimony should be requested by the moving party.

(e) By stipulation of the parties the requirements of paragraph (c) of this section as to written interrogatories and cross-interrogatories may be dispensed with, and the testimony may be taken before the proper officer upon oral interrogatories by the parties, their attorneys or their agents.

(f) Unless false swearing in the giving of such testimony before the officer taking it shall be punishable as perjury under the laws of the foreign state in which it shall be taken, it will not stand on the same footing in the Patent Office as testimony duly taken in the United States; but its weight in each case will be determined by the tribunal having jurisdiction of such case.

§ 2.125 Copies of testimony.

(a) One copy of the transcript of testimony (taken in accordance with §§ 1.275 to 1.278 of this chapter or § 2.124), together with copies of documentary exhibits shall be served on each adverse party within thirty days after completion of the taking of such testimony. The original transcript and exhibits and one copy of the transcript, shall be filed in the Patent Office as promptly as possible.

(b) Each transcript and the copies thereof shall comply with § 1.253 of this chapter as to arrangement, indexing and form.

§ 2.126 Allegations in application not evidence on behalf of applicant.

The allegation of dates of use in the application for registration of the applicant or registrant cannot be used as evidence in behalf of the party making the same nor are exhibits attached to pleadings, or specimens in application and registration files, considered as evidence of use on behalf of the party who filed them, unless identified and introduced in evidence as other exhibits.

§ 2.127 Motions.

(a) Motions shall be made in writing and shall contain a full statement of the grounds therefor. Any brief or memorandum in support of a motion shall accompany or be embodied in the motion. Briefs in opposition to a motion shall be filed within fifteen days from the date of service of the motion unless another time is specified by the Trademark Trial and Appeal Board or the time is extended on request. Oral hearings will not be held on motions except on order of the Trademark Trial and Appeal Board.

(b) Any petition for reconsideration or modification of a decision, if it is not appealable, must be filed within ten days after the decision or, if the decision is appealable, within the time specified in § 2.129(c).

(c) Interlocutory motions, requests, and other matters not finally determinative in the proceeding may be acted upon by a member of the Trademark Trial and Appeal Board.

§ 2.128 Final hearing and briefs.

(a) The brief of a party in the position of plaintiff shall be filed not later than sixty days after the closing date set for rebuttal testimony; the brief of a party in the position of defendant not later than thirty days after the due date of the first brief; a reply brief by a party in the position of plaintiff, if filed, shall be due fifteen days after the due date of the brief to which it is a reply. Three copies of all briefs should be filed.

(b) Briefs may be submitted in typewritten or printed form, except that where they are in excess of thirty typewritten pages, they shall be printed in conformity with § 1.254 of this chapter. Typewritten briefs may be written on letter or legal size paper and shall be double-spaced. Each brief shall contain an alphabetical index of cases cited therein.

(c) If a party desires an oral hearing, he should so state by a separate notice filed not later than ten days after the due date of the reply brief of the party in position of plaintiff, and the time for such hearing will be set in a notice sent to each party by the Office. If no request for oral hearing is made, the case will be decided on the record and briefs.

§ 2.129 Oral argument.

(a) Oral arguments will be heard by at least three members of the Trademark Trial and Appeal Board at the time stated in the notice. If any party appears at the specified time, he will be heard. If the Board is prevented from hearing the case at the time specified, a new assignment will be made, or the case will be continued from day to day until heard. Unless otherwise permitted, oral arguments will be limited to one-half hour for each party.

(b) Hearings may be advanced or adjourned, as far as is convenient and proper, to meet the wishes of the parties and their attorneys or agents.

(c) Any petition for rehearing, reconsideration, or modification of a decision must be filed within thirty days from the date thereof.

§ 2.130 New matter suggested by Examiner of Trademarks.

If, during the pendency of an inter partes case, facts appear which, in the opinion of the Examiner of Trademarks, render the mark of any applicant involved unregistrable, the attention of the Trademark Trial and Appeal Board shall be called thereto. The board may suspend the proceeding and refer the application to the Examiner of Trademarks for his determination of the question of registrability, following the final determination of which the application shall be returned to the board for such further inter partes action as may be appropriate. The consideration of such facts by the Examiner of Trademarks shall be ex parte, but a copy of the action of the examiner will be furnished to the parties to the inter partes proceeding.

§ 2.131 Ex parte matter in an inter partes case.

If, in considering an inter partes case involving an application, facts appear which, in the opinion of the Trademark Trial and Appeal Board, render the mark of the applicant unregistrable on one or more ex parte grounds, the board shall in its decision on the inter partes issues in the case recommend that if the applicant finally prevails in the case, registration be withheld pending a reexamination by the Examiner of Trademarks of the application in the light of such facts. If, upon such reexamination following termination of the inter partes case, the Examiner of Trademarks finally refuses registration to applicant, appeal may be taken as provided in §§ 2.141 and 2.142.

§ 2.132 Failure to take testimony.

(a) Upon the filing of a statement by any party in the position of defendant, that the time for taking testimony on behalf of any party in the position of plaintiff has expired and that no testimony has been taken by him and no other evidence offered, an order may be entered that such party show cause within a time set therein, not less than ten days, why judgment should not be rendered against him, and in the absence of a showing of good and sufficient cause judgment may be rendered as by default.

(b) If no evidence other than Patent Office records is offered by the party in the position of plaintiff, any party in position of defendant, without waiving his right to offer evidence in the event the motion is denied, may move for dismissal on the ground that upon the law and the facts the party in the position of plaintiff has shown no right to relief. The party in the position of plaintiff shall be allowed fifteen days after service of the motion to file his argument in opposition to the motion. Judgment may be rendered against the party in position of plaintiff, or the Trademark Trial and Appeal Board may decline to render judgment until all the evidence is in. In the latter event, testimony periods will be reset for the party in position of defendant and for rebuttal.

§ 2.133 Amendment of application or registration during proceedings.

An application involved in a proceeding may not be amended in substance nor may a registration be amended or disclaimed in part, except with the consent of the other party or parties and the approval of the Trademark Trial and Appeal Board, or except upon motion.

§ 2.134 Surrender or cancellation of registration.

If a registrant involved in a proceeding applies to cancel his registration under section 7(d) of the act without first obtaining the written consent thereto of the adverse party, judgment shall be entered against him.

§ 2.135 Abandonment of application or mark.

If, in a proceeding, an applicant files a written abandonment of the application or of the mark without the consent thereto of the adverse party, judgment shall be entered against such applicant.

§ 2.136 Status of application on termination of proceeding.

On termination of a proceeding involving an application, the application, if the judgment is not adverse, returns to the status it had before the institution of the proceeding. If the judgment is adverse to the applicant, the application stands refused without further action and all proceedings thereon are considered terminated.

APPEALS

§ 2.141 Ex parte appeals from the Examiner of Trademarks.

Every applicant for the registration of a mark may, upon final refusal by the Examiner of Trademarks, appeal to the Trademark Trial and Appeal Board upon payment of the prescribed fee. A second refusal on the same grounds may be considered as final by the applicant for purpose of appeal.

§ 2.142 Time and manner of ex parte appeals.

(a) Such appeal must be taken within six months from the date of final refusal or from the date of the action from which appeal is taken. Appeal is taken simply by filing a notice of appeal and payment of the appeal fee.

(b) The appellant's brief shall be filed within sixty days after the date of appeal. If the brief is not filed within the time allowed, the appeal may be dismissed. The examiner may, within such time as may be directed by the Commissioner, furnish a written statement in answer to appellant's brief, supplying a copy to the appellant. The appellant may file a reply brief within twenty days from the date of such answer.

(c) If the appellant desires an oral hearing, he should so state by a separate notice filed not later than his brief; and due notice of the time for such hearing will be given. Oral argument will be limited to one-half hour unless otherwise permitted. If no request for oral hearing is made, the appeal will be considered on brief.

(d) Applications which have been considered and decided on appeal will not be reopened except by order of the Commissioner, and then only for consideration of matters not already adjudicated, sufficient cause being shown

§ 2.144 Reconsideration of decision on appeal.

Any request or petition for rehearing or reconsideration, or modification of the decision, must be filed within thirty days from the date of the decision.

§ 2.145 Appeal to court and civil action.

(a) *Appeal to U.S. Court of Customs and Patent Appeals.* An applicant for registration, or any party to an interference, opposition, or cancellation proceeding or any party to an application to register as a concurrent user, hereinafter referred to as inter partes proceedings, who is dissatisfied with the decision of the Trademark Trial and Appeal Board and any registrant who has filed an affidavit or declaration under

section 8 of the act or who has filed an application for renewal and is dissatisfied with the decision of the Commissioner (§§ 2.165, 2.184), may appeal to the United States Court of Customs and Patent Appeals. The appellant must take the following steps in such an appeal: (1) In the Patent Office give notice to the Commissioner and file the reasons of appeal (see paragraphs (b) and (d)); (2) in the court, file a petition of appeal and a certified transcript of the record within a specified time after filing the reasons of appeal, and pay the fee for appeal, as provided by the rules of the court. The transcript will be transmitted to the court by the Patent Office on order of and at the expense of the appellant.

(b) *Notice and reasons of appeal.* (1) When an appeal is taken to the U.S. Court of Customs and Patent Appeals, the appellant shall give notice thereof. to the Commissioner, and file in the Patent Office, within the time specified in paragraph (d), his reasons of appeal specifically set forth in writing.

(2) In inter partes proceedings, the notice and reasons must be served as provided in § 2.119.

(c) *Civil action.* (1) Any person who may appeal to the U.S. Court of Customs and Patent Appeals (paragraph (a)), may have remedy by civil action under section 21(b) of the act. Such civil action must be commenced within the time specified in paragraph (d).

(2) If an applicant or registrant in an ex parte case has taken an appeal to the U.S. Court of Customs and Patent Appeals, he thereby waives his right to proceed under section 21(b) of the act.

(3) If a party to an inter partes proceeding has taken an appeal to the U.S. Court of Customs and Patent Appeals, and any adverse party to the case shall, within twenty days after the appellant shall have filed notice of the appeal to the court (paragraph (b)), file notice with the Commissioner that he elects to have all further proceedings conducted as provided in section 21(b) of the act, certified copies of such notices will be transmitted to the U.S. Court of Customs and Patent Appeals for such action as may be necessary. The notice of election must be served as provided in § 2.119.

(d) *Time for appeal or civil action.* The time for filing the notice and reasons of appeal to the U.S. Court of Customs and Patent Appeals (paragraph (b)) or for commencing a civil action (paragraph (c)) is sixty days from the date of the decision of the Trademark Trial and Appeal Board or the Commissioner, as the case may be. If a petition for rehearing or reconsideration is filed within thirty days after the date of the decision, the time is extended to thirty days after action on the petition. No petition for rehearing or reconsideration filed outside the time specified herein after such decision, nor any proceedings on such petition shall operate to extend the period of sixty days hereinabove provided. The times specified herein are calendar days. If the last day of the time specified for appeal, or commencing a civil action falls on a Saturday, Sunday or legal holiday, the time is extended to the next day which is neither a Saturday, Sunday nor a holiday. If a party to an inter partes proceeding has taken an appeal to the U.S. Court of Customs and Patent Appeals and an adverse party has filed notice under section 21(a)(1) of the act that he elects to have all further proceedings conducted under section 21(b) of the act, the time for filing a civil action thereafter is specified in section 21(a)(1) of the act.

(Sec. 26, 60 Stat. 435, as amended; 15 U.S.C. 1071)

PETITIONS AND ACTION BY THE COMMISSIONER

§ 2.146 Petition to the Commissioner.

(a) Petition may be taken to the Commissioner (1) from any repeated action or requirement of the Examiner of Trademarks, not subject to appeal under § 2.141, in the ex parte prosecution of an application; (2) in cases in which the statute or the rules specify that the matter is to be determined directly by or reviewed by the Commissioner; and (3) to invoke the supervisory authority of the Commissioner in appropriate circumstances.

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Any brief in support thereof should accompany or be embodied in the petition; in contested cases any brief in opposition shall be filed within fifteen days after service of the petition. Where facts are to be proved in ex parte cases (as in a petition to revive an abandoned application), the proof in the form of affidavits or declarations in accordance with § 2.20 (and exhibits, if any) must accompany the petition.

(c) An oral hearing will not be held except when considered necessary by the Commissioner.

(d) The mere filing of a petition will not stay the period for replying to an examiner's action, nor stay other proceedings.

(e) Authority to act on a petition may, when appropriate, be delegated by the Commissioner.

(f) No fee is required for a petition to the Commissioner.

§ 2.147 Cases not specifically defined.

All cases not specifically defined and provided for by the rules in this part will be decided in accordance with the merits of each case under the authority of the Commissioner, and such decision will be communicated to the interested parties in writing.

§ 2.148 Commissioner may suspend certain rules.

In an extraordinary situation, when justice requires and no other party is injured thereby, any requirement of the rules in this part not being a requirement of the statute may be suspended or waived by the Commissioner.

CERTIFICATE

§ 2.151 Certificate.

When the requirements of the law and of the rules have been complied with, and the Patent Office has adjudged a mark registrable, a certificate will be issued to the effect that the applicant has complied with the law and that he is entitled to registration of his mark on the Principal Register or on the Supplemental Register as the case may be. The certificate will state the date on which the application for registration was filed in the Patent Office, the act under which the mark is registered, the date of issue and the number of the certificate. Attached to the certificate and forming a part thereof will be a reproduction of the mark and pertinent data from the application. A notice of the affidavit or declaration requirements of section 8(a) of the act (§ 2.161) will be printed on the certificate.

PUBLICATION OF MARKS REGISTERED UNDER 1905 ACT

AUTHORITY NOTE: §§ 2.153 to 2.156 interpret or apply sec. 12, 60 Stat. 432; 15 U.S.C. 1062.

§ 2.153 Publication requirements.

A registrant of a mark registered under the provisions of the acts of 1881 or 1905 may at any time prior to the expiration of the period for which the registration was issued or renewed, upon the payment of the prescribed fee, file an affidavit or declaration in accordance with § 2.20 setting forth those goods stated in the registration on which said mark is in use in commerce, specifying the nature of such commerce, and stating that the registrant claims the benefits of the Trademark Act of 1946. An order for a title report for Office use (or an abstract of title) shall accompany the affidavit or declaration in accordance with § 2.20.

§ 2.154 Publication in Official Gazette.

A notice of the claim of benefits under the act of 1946 and a reproduction of the mark will then be published in the Official Gazette as soon as practicable. The published mark will retain its original registration number.

§ 2.155 Notice of publication.

A notice of such publication of the mark and of the requirement for the affidavit or declaration specified in section 8 (b) of the act (§ 2.161) will be sent to the registrant.

§ 2.156 Not subject to opposition; subject to cancellation.

The published mark is not subject to opposition on such publication in the Official Gazette, but is subject to petitions to cancel as specified in § 2.111 and to cancellation for failure to file the affidavit or declaration specified in § 2.161.

REREGISTRATION OF MARKS REGISTERED UNDER PRIOR ACTS

§ 2.158 Reregistration of marks registered under acts of 1881, 1905, and 1920.

Trademarks registered under the act of 1881, the act of 1905 or the act of 1920 may be reregistered under the act of 1946, either on the Principal Register, if eligible, or on the Supplemental Register, but a new complete application for registration must be filed complying with the rules relating thereto, and such appli-

cation will be subject to examination and other proceedings in the same manner as other applications filed under the act of 1946. See § 2.26 for use of old drawing.

CANCELLATION FOR FAILURE TO FILE AFFIDAVIT OR DECLARATION DURING SIXTH YEAR

AUTHORITY NOTE: §§ 2.161 to 2.165 interpret or apply sec. 8, 60 Stat. 431; 15 U.S.C. 1058.

§ 2.161 Cancellation for failure to file affidavit or declaration during sixth year.

Any registration under the provisions of the act of 1946 and any registration published under the provisions of section 12(c) of the act (§ 2.153) shall be cancelled at the end of six years following the date of registration or the date of such publication, unless within one year next preceding the expiration of such six years the registrant shall file in the Patent Office an affidavit or declaration in accordance with § 2.20 showing that said mark is still in use or showing that its nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

§ 2.162 Requirements for affidavit or declaration.

(a) The affidavit or declaration required by § 2.161 must:

(1) Be executed by the registrant after expiration of the five-year period following the date of registration or publication under section 12(c);

(2) Identify the certificate of registration by the certificate number and date of registration;

(3) Recite sufficient facts to show that the mark described in the registration is still in use, specifying the nature of such use, or recite sufficient facts to show that its nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark; and

(4) Be accompanied by an order for a title report for Office use (or an abstract of title).

(b) A specimen or facsimile showing the mark as currently used should be submitted with and referred to in the affidavit or declaration.

§ 2.163 Notice to registrant.

If no affidavit or declaration is filed within a reasonable time prior to expiration of the sixth year, the registrant may be notified that the registration will be cancelled by the Commissioner at the end of such sixth year unless the owner files in the Patent Office the affidavit or declaration of use or excusable nonuse required by section 8. Failure to notify the registrant does not, however, relieve the registrant of the responsibility of filing the affidavit or declaration within the period required by statute.

§ 2.164 Acknowledgment of receipt of affidavit or declaration.

The registrant will be notified by the Examiner of Trademarks of the receipt of the affidavit or declaration and, if satisfactory, of its acceptance.

§ 2.165 Reconsideration of affidavit or declaration.

(a) If the affidavit or declaration is insufficient, the registrant will be notified of the reasons by the examiner. Reconsideration of such refusal may be requested within six months from the date of the mailing of the notice. The request for reconsideration must state the reasons therefor; a supplemental or substitute affidavit or declaration required by section 8 of the act cannot be considered unless it is received before the expiration of six years from the date of the registration, or from the date of publication under section 12(c).

(b) If the registrant is dissatisfied with the action of the examiner holding the affidavit or declaration insufficient, he may request the Commissioner to review the action under § 2.146. The decision of the Commissioner on such a request constitutes the final action of the Patent Office. If there is no review by the Commissioner, the Commissioner will notify the registrant of the insufficiency of the affidavit or declaration after the expiration of the sixth year, which notice will constitute such final action. See § 2.145 for appeal to or review by court.

§ 2.166 Time of cancellation.

If no affidavit or declaration is filed within the sixth year following registration or publication under section 12(c) of the act, the registration will be cancelled forthwith by the Commissioner. If the affidavit or declaration is filed but is refused, cancellation of the registration will be withheld pending further proceedings.

AFFIDAVIT OR DECLARATION UNDER SECTION 15

§ 2.167 Affidavit or declaration under section 15.

The affidavit or declaration in accordance with § 2.20 provided by section 15 of the act for acquiring incontestability for a mark registered on the Principal Register or a mark registered under the act of 1881 or 1905 and published under section 12(c) of the act (§ 2.153) must:

(a) Be signed by the registrant;

(b) Identify the certificate of registration by the certificate number and date of registration;

(c) Recite the goods or services stated in the registration on or in connection with which the mark has been in continuous use in commerce for a period of five years subsequent to the date of registration or date of publication under section 12(c) of the act, and is still in use in commerce, specifying the nature of such commerce;

(d) Specify that there has been no final decision adverse to registrant's claim of ownership of such mark for such goods or services, or to registrant's right to register the same or to keep the same on the register;

(e) Specify that there is no proceeding involving said rights pending in the Patent Office or in a court and not finally disposed of;

(f) Be filed within one year after the expiration of any five-year period of continuous use following registration or publication under section 12(c).

The registrant will be notified of the receipt of the affidavit or declaration.

(Sec. 15, 60 Stat. 433; 15 U.S.C. 1065)

§ 2.168 Combined with other affidavits or declarations.

(a) The affidavit or declaration filed under section 15 of the act may also be used as the affidavit or declaration required by section 8, provided it also complies with the requirements and is filed within the time limit specified in §§ 2.161 and 2.162.

(b) In appropriate circumstances the affidavit or declaration filed under section 15 of the act may be combined with the affidavit or declaration required for renewal of a registration (see § 2.183).

CORRECTION, DISCLAIMER, SURRENDER, ETC.

§ 2.171 New certificate on change of ownership.

In case of change of ownership of a registered mark, upon request of the assignee, a new certificate of registration may be issued in the name of the assignee for the unexpired part of the original period. The assignment must be recorded in the Patent Office, and the request for the new certificate must be signed by the assignee and accompanied by the required fee and by an order for title report for Office use (or abstract of title). The original certificate of registration, if available, must also be submitted.

(Sec. 7, 60 Stat. 430, as amended; 15 U.S.C. 1057)

§ 2.172 Surrender for cancellation.

Upon application by the registrant, the Commissioner may permit any registration to be surrendered for cancellation. Application for such action must be signed by the registrant and must be accompanied by an order for title report for Office use (or an abstract of title) and, if not lost or destroyed, by the original certificate of registration.

(Sec. 7, 60 Stat. 430, as amended; 15 U.S.C. 1057)

§ 2.173 Amendment and disclaimer in part.

(a) Upon application by the registrant, the Commissioner may permit any registration to be amended or any registered mark to be disclaimed in part. Application for such action must specify the amendment or disclaimer and be signed by the registrant and verified or include a declaration in accordance with § 2.20, and must be accompanied by the required fee and by an order for a title report for Office use (or an abstract of title). If the amendment involves a change in the mark, new specimens showing the mark as used in connection with the goods or services, and a new drawing of the amended mark must be submitted. The certificate of registration or, if said certificate is lost or destroyed, a certified copy thereof, must also be submitted in order that the Commissioner may make appropriate entry thereon and in the records of the Office. The registration when so amended must

still contain registrable matter and the mark as amended must be registrable as a whole, and such amendment or disclaimer must not involve such changes in the registration as to alter materially the character of the mark.

(b) Changes in the identification of goods other than in the nature of deletions will not be permitted except under the provisions of § 2.175. No amendment seeking the elimination of a disclaimer will be permitted.

(c) A printed copy of the amendment or disclaimer shall be attached to each printed copy of the registration.

(Sec. 7, 60 Stat. 430, as amended; 15 U.S.C. 1057)

§ 2.174 Correction of Office mistake.

Whenever a material mistake in a registration, incurred through the fault of the Patent Office, is clearly disclosed by the records of the Office, a certificate stating the fact and nature of such mistake, signed by the Commissioner or by an employee designated by the Commissioner and sealed with the seal of the Patent Office, shall be issued without charge and recorded, and a printed copy thereof shall be attached to each printed copy of the registration certificate. Such corrected certificate shall thereafter have the same effect as if the same had been originally issued in such corrected form, or in the discretion of the Commissioner a new certificate of registration may be issued without charge. The certificate of registration or, if said certificate is lost or destroyed, a certified copy thereof, must be submitted in order that the Commissioner may make appropriate entry thereon.

(Sec. 7, 60 Stat. 430, as amended; 15 U.S.C. 1057)

§ 2.175 Correction of mistake by registrant.

(a) Whenever a mistake has been made in a registration and a showing has been made that such mistake occurred in good faith through the fault of the applicant, the Commissioner may issue a certificate of correction, or in his discretion, a new certificate upon the payment of the required fee, provided that the correction does not involve such changes in the registration as to require republication of the mark.

(b) Application for such action must specify the mistake for which correction is sought and the manner in which it arose, show that it occurred in good faith, be signed and by the applicant and verified or include a declaration in accordance with § 2.20, and be accompanied by the required fee and by an order for a title report for Office use (or an abstract of title). The certificate of registration or, if said certificate is lost or destroyed, a certified copy thereof, must also be submitted in order that the Commissioner may make appropriate entry thereon.

(c) A printed copy of the certificate of correction shall be attached to each printed copy of the registration.

(Sec. 7, 60 Stat. 430, as amended; 15 U.S.C. 1057)

§ 2.176 Consideration of above matters.

The matters in §§ 2.171 to 2.175 will be considered in the first instance by the Examiner of Trademarks. If the action of the Examiner of Trademarks is adverse, registrant may request the Commissioner to review the action under § 2.146. If response to an adverse action of the examiner is not made by the registrant within six months, the matter will be considered abandoned.

TERM AND RENEWAL

AUTHORITY NOTE: §§ 2.181 to 2.184 interpret or apply sec. 9, 60 Stat. 431; 15 U.S.C. 1059.

§ 2.181 Term of original registrations and renewals.

(a) Registrations issued under the act of 1946, whether on the Principal Register or on the Supplemental Register, remain in force for twenty years, and may be renewed for periods of twenty years from the expiring period unless previously cancelled or surrendered.

(b) Registrations issued under the acts of 1905 and 1881 remain in force for their unexpired terms and may be renewed in the same manner as registrations under the act of 1946.

(c) Registrations issued under the act of 1920 cannot be renewed unless renewal is required to support foreign registrations and in such case may be renewed on the Supplemental Register in the same manner as registrations under the act of 1946.

§ 2.182 Period within which application for renewal must be filed.

An application for renewal may be filed by the registrant at any time within six months before the expiration of the period for which the certificate of registration was issued or renewed, or it may be filed within three months after such expiration on payment of the additional fee required.

§ 2.183 Requirements of application for renewal.

(a) The application for renewal must include a statement which is verified or which includes a declaration in accordance with § 2.20 by the registrant setting forth the goods or services recited in the registration on or in connection with which the mark is still in use in commerce, specifying the nature of such commerce. This statement must be executed not more than six months before the expiration of the registration and be accompanied by:

(1) A specimen or facsimile showing current use of the mark.

(2) The required fee including an additional fee in the case of a delayed application for renewal.

(b) The declaration or verified statement, specimen or facsimile and the fee must be filed within the period prescribed for applying for renewal. If defective or insufficient, they cannot be completed after the period for applying for renewal has passed; if completed after the initial six month period has expired but before the expiration of the three month delay period, the application can be considered only as a delayed application for renewal.

(c) If the mark is not in use in commerce at the time of filing of the declaration or verified statement, sufficient facts must be recited to show that nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

(d) The application for renewal must also include:

(1) An order for a title report for Office use (or abstract of title).

(2) If the applicant is not domiciled in the United States, the designation of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark.

(3) If the mark is registered under the act of 1920, a showing which is verified or which includes a declaration in accordance with § 2.20 that renewal is required to support foreign registrations.

§ 2.184 Refusal of renewal.

(a) If the application for renewal is incomplete or defective, the renewal will be refused by the Examiner of Trademarks. The application may be completed or amended in response to a refusal, subject to the provisions of §§ 2.62 and 2.183.

(b) If the registrant is dissatisfied with the action of the examiner considering the application for renewal incomplete or defective, he may request the Commissioner to review the action under § 2.146. If response to an adverse action of the examiner is not made within six months, the application for renewal will be considered abandoned.

ASSIGNMENT OF MARKS

§ 2.185 Requirements for assignments.

(a) Assignments under section 10 of the act of registered marks, or marks for which an application for registration has been filed, will be recorded in the Patent Office. Other instruments which may relate to such marks may be recorded in the discretion of the Commissioner. No assignment will be recorded, except as may be ordered by the Commissioner, unless it has been executed and unless:

(1) The certificate of registration is identified in the assignment by the certificate number (the date of registration should also be given), or, the application for registration shall have been first filed in the Patent Office and the application is identified in the assignment by serial number (the date of filing should also be given);

(2) It is in the English language or, if not in the English language, accompanied by a sworn translation;

(3) The fee for recording is received; and

(4) An appointment of a resident agent is made in case the assignee is not domiciled in the United States. The appointment must be separate from the assignment and there must be a separate appointment for each registration or application assigned in one instrument.

(b) The address of the assignee should be recited in the assignment, otherwise it must be given in a separate paper.

(c) The date of record of the assignment is the date of the receipt of the

assignment at the Patent Office in proper form and accompanied by the full fee for recording.

(Sec. 10, 60 Stat. 431; 15 U.S.C. 1060)

§ 2.186 Action may be taken by assignee of record.

Any action which may or must be taken by a registrant or applicant may be taken by the assignee, provided the assignment has been recorded.

§ 2.187 Certificate of registration may issue to assignee.

The certificate of registration may be issued to the assignee of the applicant if the assignment is recorded in the Patent Office at least ten days before the application is allowed, and the address of the assignee appears in the record. See § 2.82.

AMENDMENT OF RULES

§ 2.189 Amendments to rules.

(a) All amendments to this part will be published in the Official Gazette and in the FEDERAL REGISTER.

(b) Whenever required by law, and in other cases whenever practicable, notice of proposed amendments to these rules will be published in the FEDERAL REGISTER and in the Official Gazette. If not published with the notice, copies of the text will be furnished to any person requesting the same. All comments, suggestions, and briefs received within a time specified in the notice will be considered before adoption of the proposed amendments which may be modified in the light thereof. Oral hearings may be held at the discretion of the Commissioner.

2. The note immediately preceding § 4.1 is amended to read as follows:

NOTE: The following forms illustrate the manner of preparing applications for registration of marks and various papers in trademark cases, to be filed in the Patent Office. Applicants and other parties will find their business facilitated by following them. These forms should be used in cases to which they are applicable. A sufficient number of representative forms are given which, with the variations indicated by the notes, should take care of all the usual situations. In special situations such alterations as the circumstances may render necessary may be made provided they do not depart from the requirements of Part 2 of this chapter or the statute. Before using any forms the pertinent rules and sections of the statute should be studied carefully.

In using these forms, the applicant or member of the firm or officer of the corporation or association making application or filing the form may, in the prescribed instances, in lieu of making the oath, affirmation, or verification required, set forth in the body of the statement required his written declaration that all statements made on information and belief are believed to be true, if, and only if, the declarant is, on the same paper, warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of the application or document or any registration resulting therefrom.

3. The heading of § 4.1 is revised and the text of § 4.1 reads as follows:

§ 4.1 Trademark application by an individual; Principal Register with oath.

Mark _____
(Identify the mark)
Class No. _____
(If known)

To the COMMISSIONER OF PATENTS:

_____
(Name of applicant and trade style, if any)

_____
(Business address, including street, city and State)

_____
(Residence address, including street, city and State)

_____
(Citizenship of applicant)

The above identified applicant has adopted and is using the trademark shown in the accompanying drawing (1) for _____

_____
(Common, usual or ordinary name of goods) and requests that said mark be registered in the United States Patent Office on the Principal Register established by the act of July 5, 1946.

The trademark was first used on the goods (2) on _____; was first used in
(Date)
_____ commerce (3) on
(Type of commerce)
_____; and is now in use in such
(Date)
commerce (4).

The mark is used by applying it to _____, (5) and five specimens showing the mark as actually used are presented herewith.

State of _____ }
County of _____ } ss.

_____
(Name of applicant)

being sworn, states that: he believes himself to be the owner of the trademark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true.

_____
(Signature of applicant)

Subscribed and sworn to before me this _____ day of _____, 19___.

_____
(Notary Public) (6)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

(See §§ 4.2 and 4.3) (7)

NOTES: (1) If registration is sought for a word or numeral mark not depicted in any special form, the drawing may be the mark typed in capital letters on letter-size bond paper; otherwise, the drawing shall comply with § 2.52.

(2) If more than one item of goods is set forth and the dates given apply to only one of the items listed, insert the name of the item to which the dates apply.

(3) Type of commerce should be specified as "interstate," "Territorial," "foreign," or such other specified type of commerce as may be lawfully regulated by Congress. Foreign applicants relying upon use must specify "commerce with the United States."

(4) If the mark is other than a coined, arbitrary or fanciful mark which is claimed to have acquired a secondary meaning, insert whichever of the following paragraphs is applicable:

(a) The mark has become distinctive of applicant's goods as a result of substantially exclusive and continuous use in _____ commerce for the five
(Type of commerce)
years next preceding the date of filing of this application.

(b) The mark has become distinctive of applicant's goods as evidenced by the showing submitted separately.

(5) Insert the manner or method of using the mark with the goods, i. e., "the goods," "the containers for the goods," "displays associated with the goods," "tags or labels affixed to the goods," or such other appropriate method as may be used.

(6) The notary's seal or stamp or other evidence or authority in the jurisdiction of execution must be affixed.

(7) If the applicant is not domiciled in the United States, a domestic representative must be appointed. See § 4.4.

4. Section 4.1a is added to read as follows:

§ 4.1a Trademark application by an individual; Principal Register with declaration.

Mark _____
(Identify the mark)
Class No. _____
(If known)

To the COMMISSIONER OF PATENTS:

_____
(Name of applicant and trade style, if any)

_____
(Business address, including street, city and State)

_____
(Residence address, including street, city and State)

_____
(Citizenship of applicant)

The above identified applicant has adopted and is using the trademark shown in the accompanying drawing (1) for _____

_____
(Common, usual or ordinary name of goods) and requests that said mark be registered in the United States Patents Office on the Principal Register established by the act of July 5, 1946.

The trademark was first used on the goods (2) on _____; was first used in
(Date)
_____ commerce (3) on
(Type of commerce)
_____; and is now in use in such
(Date)
commerce (4).

The mark is used by applying it to _____ (5) and five specimens showing the mark as actually used are presented herewith.

The undersigned applicant _____ declares: That he believes himself to be the owner of the trademark sought to be registered; that to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

(Signature of applicant)

(Date)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

(See §§ 4.2 and 4.3) (7)

NOTES: (1) If registration is sought for a word or numeral mark not depicted in any special form, the drawing may be the mark typed in capital letters on letter-size bond paper; otherwise, the drawing shall comply with § 2.52.

(2) If more than one item of goods is set forth and the dates given apply to only one of the items listed, insert the name of the item to which the dates apply.

(3) Type of commerce should be specified as "interstate," "Territorial," "foreign," or such other specified type of commerce as may be lawfully regulated by Congress. Foreign applicants relying upon use must specify "commerce with the United States."

(4) If the mark is other than a coined, arbitrary or fanciful mark which is claimed to have acquired a secondary meaning, insert whichever of the following paragraphs is applicable:

(a) The mark has become distinctive of applicant's goods as a result of substantially exclusive and continuous use in ---------- commerce for the five
(Type of commerce)
years next preceding the date of filing of this application.

(b) The mark has become distinctive of applicant's goods as evidenced by the showing submitted separately.

(5) Insert the manner or method of using the mark with the goods, i.e., "the goods," "the containers for the goods," "displays associated with the goods," "tags or labels affixed to the goods," or such other appropriate method as may be used.

(6) The notary's seal or stamp or other evidence of authority in the jurisdiction of execution must be affixed.

(7) If the applicant is not domiciled in the United States, a domestic representative must be appointed. See § 4.4.

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6; sec. 1, 78 Stat. 171; 35 U.S.C. 25)

EDWIN L. REYNOLDS,
Acting Commissioner of Patents.

Approved: October 5, 1965.

J. HERBERT HOLLOMAN,
Assistant Secretary for Science and Technology.

[F.R. Doc. 65-11040; Filed, Oct. 15, 1965; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 5065; Amdt. 37-3]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Miscellaneous Amendments

The purpose of these amendments is to incorporate into Part 37 several existing Technical Standard Orders (TSO's) and to make certain typographical and editorial corrections to the Part.

Sections 37.140 and 37.145 currently contain Technical Standard Orders designated as TSO–C42a and TSO–C46a, respectively. However, the correct designation for these TSO's is C42 and C46 and the regulations have been changed accordingly.

Several years ago, the Agency undertook the codification of all of the existing Technical Standard Orders into Part 514 of its regulations (now Part 37). However, it has recently been found that there were several TSO's and amendments thereto which were issued but which, through inadvertence, were never incorporated into the Agency's regulations. Consequently, they are not currently set forth in Part 37. The affected Technical Standard Orders are as follows:

(1) TSO–C17a, Fire Resistant Aircraft Material, effective February 1, 1955; TSO–C27, Twin Seaplane Floats, effective March 15, 1952; TSO–C28, Aircraft Skis, effective March 15, 1952; and TSO–C33, Position Light Flashers, Single Circuit (for non-air-carrier aircraft), effective May 17, 1954. While these TSO's were never published in the FEDERAL REGISTER, in each case their performance standards were developed by the Industry through the National Aircraft Standards Committee or the Society of Automotive Engineers. Moreover, the Agency's current listing of TSO's includes these Standards and the Agency, through its own publications, has made copies of these TSO's continuously available to all interested persons. In addition, these Standards have remained technically valid and the Agency has issued several Technical Standard Order Authorizations for the manufacture of articles covered by them.

(2) Technical Standard Order TSO–C44, Fuel Flow Meters, has been superseded by TSO–C44a which applies to new models of fuel flow meters manufactured after November 1, 1961. The text of TSO–C44a was published in the FEDERAL REGISTER (26 F.R. 5833) on September 20, 1961, but for the reasons stated above it was never incorporated into Part 514. This amendment merely restates, in § 37.143, the latest TSO on fuel flow meters.

(3) TSO–C24 "Landing Flares", was amended by the Civil Aeronautics Administrator on March 15, 1951, to change the referenced NAS specification to require that each flare have the specified minimum light duration and to reduce the light intensity requirement for Class 1 and 1A flares to 250,000 candlepower. This TSO has been continuously administered in accordance with the 1951 amendment notwithstanding the fact that as pointed out above, it was not incorporated into the TSO as published in Part 514 or Part 37. The purpose of this action is to incorporate the provisions of that amendment into the TSO as published in Part 37.

The foregoing amendments merely provide for a restatement of existing Standards and their formal incorporation into Part 37 will impose no additional burden on any person.

In addition to the foregoing, a typographical error exists with respect to the RTCA Paper referenced in paragraph (a) (1) of § 37.163 (TSO–C38b). In this connection, the reference to "RTCA Paper 130–61/DO–108[2]" should read "RTCA Paper 130–61/DO–109[2]."

The present requirements of §§ 37.132, 37.141, 37.142, 37.144, 37.145, 37.146, 37.152, and 37.154 concerning the marking of the TSO articles references § 37.7 (c) with respect to the marking of the weights of such articles. However, the requirement governing the marking of the weight of an article is set forth in paragraph (d) (3) of § 37.7 rather than paragraph (c). The references must be corrected accordingly. In addition, § 37.132 refers to paragraph (d) of § 37.7 in connection with the marking of the date of manufacture or the serial number of the article. The proper reference with respect to the marking of the date of manufacture or the serial number is paragraph (d) (4) rather than just paragraph (d) and the section has been so revised.

For the foregoing reasons, the Agency finds that notice and public procedure on these amendments are unnecessary and that good cause exists for making them effective on less than 30 days' notice.

(Sec. 313(a) and 601, Federal Aviation Act of 1958; 49 U.S.C. 1354(a) and 1421)

In consideration of the foregoing, Part 37 of the Federal Aviation Regulations (14 CFR Part 37) is amended as follows, effective October 16, 1965.

Issued in Washington, D.C., on October 11, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

1. By amending § 37.127 to read as follows:

§ 37.127 Fire resistant aircraft sheet and structural material—TSO–C17a.

(a) *Introduction.* This Technical Standard Order is intended to serve as a criterion by which the product manufacturer may obtain Federal Aviation Agency approval of fire resistant aircraft material when required for sheet or structural members. Aircraft manufacturers may also obtain approval of fire resistant materials as part of their aircraft design, and should include them on the aircraft drawings. Such materials shall comply with minimum requirements stated herein, and approval thereof will be recognized by all Federal Aviation Agency representatives.

(b) *Directive.*—(1) *Provision.* The requirements for fire resistant aircraft material as set forth in section 3 of SAE Specification AMS–3851A, Fire Resistant Properties for Aircraft Materials, dated November 1, 1954,[1] are hereby established as minimum safety requirements for fire resistant material which is intended for use in civil aircraft.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York, N.Y., 10017.

(2) *Application.* Fire resistant materials complying with the specifications appearing in this Technical Standard Order are hereby approved for all aircraft.

(c) *Specific instructions.*—(1) *Marking.* The material shall be permanently marked with the Technical Standard Order designation, FAA–TSO–C17a, to identify the material as meeting the requirements of this Order in accordance with the manufacturers' statement of conformance outlined below. This identification will be accepted by the Federal Aviation Agency as evidence that the established minimum safety requirements for fire resistant material have been met.

(2) *Data requirements.* None.

(3) *Effective date.* After February 1, 1955, specifications contained in this Order will constitute the basis for approval of fire resistant material for use in civil aircraft.

(4) *Deviations.* Requests for deviation from, or waiver of, the requirements of this Order, which affect the basic airworthiness of the component, should be submitted for the approval of the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(5) *Conformance.* (i) The manufacturer shall furnish to the FAA (address as noted under "Deviations" above), a written statement of conformance signed by a responsible official of his company, setting forth that the fire resistant material to be produced by him meets the minimum safety standards established in this Order. Immediately thereafter, distribution of the material conforming with the terms of this Order may be started and continued.

(ii) The prescribed identification on the material does not relieve the aircraft manufacturer or owner of responsibility for the proper installation in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Federal Aviation Regulations.

(iii) If complaints of nonconformance with the requirements of this Order are brought to the attention of the Federal Aviation Agency and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order and other technical Standard Orders may be obtained from the Distribution Section, HQ–436, Federal Aviation Agency, Washington, D.C., 20553.

§ 37.132 [Amended]

2. By amending § 37.132 by striking the reference to paragraph "(c)" in paragraph (b) (1) and inserting reference to paragraph "(d) (3)" in place thereof and by striking the reference to paragraph "(d)" in paragraph (b) (2) and inserting reference to paragraph "(d) (4)" in place thereof.

§ 37.134 [Amended]

3. By amending § 37.134 by amending the lead-in statement of 4.1.1 and the entire 4.1.2 under paragraph (b) to read as follows:

4.1.1 *Light duration.* Each flare shall have a minimum light duration as follows:

* * * * *

4.1.2 *Light intensity.* Each flare shall have a minimum light intensity as follows:
Classes 1 and 1A—250,000 candlepower.
Class 2—110,000 candlepower.
Class 3—70,000 candlepower.

§ 37.140 [Amended]

4. By striking the designation "TSO–C42a" in the title of § 37.140 and in the index and by inserting the designation "TSO–C42" in place thereof.

§ 37.141 [Amended]

5. By amending § 37.141 by striking in paragraph (b) the reference to "paragraph (c) of § 37.7" and inserting reference to "paragraph (d) (3) of § 37.7" in place thereof.

§ 37.142 [Amended]

6. By amending § 37.142 by striking in paragraph (b) the reference to "§ 37.7 (c)" and inserting reference to "§ 37.7 (d) (3)" in place thereof.

7. By amending § 37.143 to read as follows:

§ 37.143 Fuel Flowmeters—TSO–C44a.

(a) *Applicability.*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for fuel flowmeters which specifically are required to be approved for use on civil aircraft of the United States. New models of fuel flowmeters manufactured for installation on civil aircraft on or after November 1, 1961, shall meet the standards set forth in SAE Aeronautical Standard AS–407B, "Fuel Flowmeters", revised March 1, 1960,[2] with exceptions and additions to the standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions and additions.* (i) Correction to section 1. of AS–407B: As referenced in this TSO, AS–407B specifies minimum requirements for fuel flowmeters for use on reciprocating engine or turbine-powered civil aircraft. In addition, the following specifically numbered subsections in AS–407B do not concern minimum performance and, therefore, are not essential to compliance with this section: subsections 3.1, 3.2, and 4.2.1.

(ii) Thermal shock: This test shall apply to any hermetically sealed components. The component shall be subjected to four cycles of exposure to water at 85°±2° C. and 5°±2° C. without evidence of moisture penetration or damage to coating or enclosure. Each cycle of the test shall consist of immersing the component in water at 85°±2° C. for a period of 30 minutes, and then within 5 seconds of removal from the bath, the component shall be immersed for a period of 30 minutes in the other bath maintained at 5°±2° C. This cycle shall be repeated continuously, one cycle following the other until four cycles have been completed. Following this test, the component shall be subjected to the Sealing test specified in (iii). No leakage shall occur as a result of this test.

(iii) Sealing: This performance test shall apply to any hermetically sealed components. The component shall be immersed in a suitable liquid, such as water. The absolute pressure of the air above the liquid shall then be reduced to approximately 1 inch of mercury (Hg) and maintained for 1 minute, or until air bubbles cease to be given off by the liquid, whichever is longer. The absolute pressure shall then be increased by 2½ inches Hg. Any bubbles coming from within the indicator case shall be considered as leakage and shall be cause for rejection. Bubbles which are the result of entrapped air in the various exterior parts of the case shall not be considered as leakage. Other test methods which provide evidence equal to the immersion test of the integrity of the instrument's seals may be used. If the component incorporates nonhermetically sealed appurtenances, such as a case extension, these appurtenances may be removed prior to the Sealing test.

(iv) Correction to subsection 3.3.1: Under column *A*, the temperature values for unheated areas (Temperature Uncontrolled) shall be −55° to 70° C.

(b) *Marking.* In addition to the marking requirements of FAR § 37.7, range (transmitters only) and electrical rating shall be shown.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product (see paragraph (d), Quality Control, of this section).

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington, D.C., 20553:

(i) Manufacturer's operating instructions and instrument limitations.

(ii) Drawings of major components or photographs showing exploded views of instruments.

(iii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation with the statement of conformance certifying that the instrument conforms to this section.

(iv) One copy of the manufacturer's test report.

(d) *Quality control.* Each fuel flowmeter shall be produced under a quality control system, established by the manufacturer, which will assure that each fuel flowmeter is in conformity with the requirements of this section and is in condition for safe operation. This system shall be described in the data required under paragraph (c) (2) of this section. A representative of the Administrator shall be permitted to make

[2] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York, N.Y., 10017.

such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Fuel flowmeters approved by the Administrator prior to November 1, 1961, may continue to be manufactured under the provisions of their original approval.

(f) *Effective date.* November 1, 1961.

§ 37.144 [Amended]

8. By amending § 37.144 by striking in paragraph (b) the reference to "§ 37.7 (c)" and inserting the reference to "§ 37.7(d) (3)" in place thereof.

§ 37.145 [Amended]

9. By striking the designation "TSO–C46a" in the title of § 37.145 and in the index and by inserting the designation "TSO–C46" in place thereof and by striking in paragraph (b) the reference to "§ 37.7(c)" and by inserting reference to "§ 37.7(d) (3)" in place thereof.

§§ 37.146, 37.147 [Amended]

10. By amending §§ 37.146 and 37.147, respectively, by striking in paragraph (b) the reference to "§ 37.7(c)" and inserting reference to "§ 37.7(d) (3)" in place thereof.

§ 37.152 [Amended]

11. By amending § 37.152 by striking in paragraph (b) (2) the reference to "paragraph (c) of § 37.7" and inserting reference to "paragraph (d) (3) of § 37.7" in place thereof.

§ 37.154 [Amended]

12. By amending § 37.154 by striking in paragraph (b) the reference to "§ 37.7 (c)" and inserting reference to "§ 37.7 (d) (3)" in place thereof.

13. By adding the following new section:

§ 37.192 Twin Seaplane Floats—TSO–C27.

(a) *Introduction.* This Technical Standard Order is intended to serve as a criterion by which the product manufacturer may produce floats which will meet standards acceptable to the Federal Aviation Agency. In lieu of the above procedure, floats may be approved as part of the aircraft design, in which case the aircraft manufacturer should submit the pertinent float drawings and include them on the aircraft drawing list. Such floats shall comply with the strength and performance requirements for floats as stated in this Order, and the approval thereof will be recognized by all Federal Aviation Agency representatives.

(b) *Directive.*—(1) *Provision.* The strength and performance requirements for seaplane floats as set forth in sections 3 and 4 of National Aircraft Standards Specification NAS 807 dated June 1, 1951,[3] with the exceptions hereinafter noted, are hereby established as minimum safety standards for seaplane floats intended for use on all civil aircraft.[4]

(2) *Exceptions.* (i) Section 4.3.3.4. Unsymmetrical Landing. Two-Float Landing with Drift. Third sentence, "The side load shall be $\frac{\tan\beta}{4}$ times the step landing load of 4.3.3.1."

(ii) Section 4.3.3. Limit Load Factors for General Structure Design. Definition of symbols following subpart (b).

V_{S_0} = airplane design stalling speed at design landing weight with zero thrust and landing flaps or other high lift devices in position for landing (miles per hour, EAS).

W = one half the airplane design landing weight.

NOTE: For single-engine aircraft, the design landing weight is the design maximum weight for which approval is desired. For multiengine aircraft which meet the requirements of FAR 23.473 the landing weight may be less than the maximum design weight.

(3) *Application.* (i) Seaplane floats complying with the specifications appearing in this Order are hereby acceptable for use on civil aircraft. Floats already approved by the Administrator may continue to be installed—

(*a*) By the aircraft manufacturer on production aircraft; or

(*b*) By an individual or agency making—

(1) An alteration or replacement involving a change in type or model of floats; or

(2) An original installation on an individual airplane.

(ii) For amphibious type float design, the provisions of NAS 807 in addition to the current ground loads and landing gear design and construction requirement of Part 23 or Part 25 of the Federal Aviation Regulations, whichever is applicable, shall apply.

(c) *Specific instructions.*—(1) *Marking.*

(i) In addition to the identification information required in section 3.5 of Specification NAS 807 (except that "NAS Specification No. 807" is not required), each seaplane float shall be permanently marked with the Technical Standard Order designation FAA–TSO–C27 to identify the seaplane float as meeting the requirements of this Order in accordance with the manufacturer's statement of conformance described below. This identification will be accepted by the Federal Aviation Agency as evidence that the established minimum safety requirements for seaplane floats have been met. For floats approved as part of the aircraft design, no identification other than the aircraft manufacturer's part or drawing number is required.

(ii) For amphibious float design, the word "amphibious" shall also be included in the float identification marking.

(2) *Data requirements.* None.

(3) *Effective date.* After March 15, 1952, specifications contained in this Order will constitute the basis for approval of seaplane floats for use on certificated aircraft.

(4) *Deviations.* Requests for deviation from, or waiver of, the requirements of this Order, which affect the basic airworthiness of the component, should be submitted for the approval of the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(5) *Conformance.* (i) The manufacturer shall furnish to the FAA (address as noted under "Deviations" above), a written statement of conformance signed by a responsible official of his company, setting forth that the designated seaplane float model to be produced by him meets the minimum safety standards established in this Order. Immediately thereafter, distribution of the seaplane floats conforming with the terms of this Order may be started and continued. A statement of conformance is not required for floats approved as part of the aircraft design.

(ii) The prescribed identification on the seaplane floats does not relieve the aircraft manufacturer or owner of responsibility for the proper installation of the seaplane floats on his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Federal Aviation Regulations.

(iii) If complaints of nonconformance with the requirements of this Order are brought to the attention of the Federal Aviation Agency, and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order and other Technical Standard Orders may be obtained from the Distribution Section, HQ–436, Federal Aviation Agency, Washington, D.C., 20553.

14. By adding the following new section:

§ 37.193 Aircraft Skis—TSO–C28.

(a) *Introduction.* This Technical Standard Order is intended to serve as a criterion by which the product manufacturer may produce skis which will meet standards acceptable to the Federal Aviation Agency. In lieu of the above procedure, skis may be approved as part of the aircraft design, in which case the aircraft manufacturer should submit the pertinent ski drawings and include them on the aircraft drawing list. Such skis shall comply with the strength and performance requirements for skis as stated in this Order, and the approval thereof will be recognized by all Federal Aviation Agency representatives.

(b) *Directive.* (1) *Provision.* The strength and performance requirements for skis as set forth in sections 4 and 5 of National Aircraft Standards Specification NAS 808 dated December 15, 1951,[5]

[3] Copies may be obtained from the American Aeronautical Forum, 527 Washington Loan and Trust Building, Washington 4, D.C.

[4] The strength requirements contained herein are conservative for rotorcraft twin-float installation.

[5] Copies may be obtained from the American Aeronautical Forum, 527 Washington Loan and Trust Bldg., Washington, D.C., 20004.

are hereby established as minimum safety standards for skis intended for use on civil aircraft.[6]

(2) *Application.* Skis complying with the specifications appearing in this Order are hereby acceptable for use on civil aircraft. Aircraft skis already approved by the Administrator may continue to be installed by the aircraft manufacturer on production aircraft—

(i) For which an application for original type certificate is made prior to the effective date of this Order;

(ii) The prototype of which is flown within one year after the effective date of this Order; and

(iii) The prototype of which is not flown within one year after the effective date of this Order if due to causes beyond the applicant's control.

If an alteration or replacement involving a change in type or model of aircraft skis is made, or if an original installation on an individual airplane is made, previously type certificated skis may be installed.

(c) *Specific instructions.*—(1) *Marking.* In addition to the identification information required in Section 3.8 of Specification NAS 808 (except that "NAS Specification No. 808" and "For Installation Geometry, see Ski Installation Drawing No. _____" are not required), each ski shall be permanently marked with the Technical Standard Order designation FAA–TSO–C28 to identify the ski as meeting the requirements of this Order in accordance with the manufacturer's statement of conformance described below. This identification will be accepted by the Federal Aviation Agency as evidence that the established minimum safety requirements for skis have been met. For skis approved as part of the aircraft design, no identification other than the aircraft manufacturer's part or drawing number is required.

(2) *Data requirements.* None.

(3) *Effective date.* After March 15, 1952, specifications contained in this Order will constitute the basis for approval of skis for use on certificated aircraft.

(4) *Deviations.* Requests for deviation from, or waiver of, the requirements of this Order, which affect the basic airworthiness of the component, should be submitted for the approval of the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(5) *Conformance.* (i) The manufacturer shall furnish to the FAA (address as noted under "Deviations" above), a written statement of conformance signed by a responsible official of his company, setting forth that the designated ski to be produced by him meets the minimum safety standards established in this Order. Immediately thereafter, distribution of the skis conforming with the terms of this Order may be started and continued. A statement of conformance is not required for skis approved as part of the aircraft design.

(ii) The prescribed identification on the skis does not relieve the aircraft manufacturer or owner of responsibility for the proper installation of the skis on his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Federal Aviation Regulations.

(iii) If complaints of nonconformance with the requirements of this Order are brought to the attention of the Federal Aviation Agency, and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order and other Technical Standard Orders may be obtained from the Distribution Section, HQ–436, Federal Aviation Agency, Washington, D.C., 20553.

15. By adding the following new section:

§ 37.194 Position light flashers, single-circuit (for non-air-carrier aircraft)—TSO–C33.

(a) *Introduction.* This Technical Standard Order is intended to serve as a criterion by which the product manufacturer may obtain Federal Aviation Agency approval of single-circuit position light flashers for installation on non-air-carrier aircraft. Aircraft manufacturers may also obtain approval of single-circuit position light flashers as part of their aircraft design and should include them on the aircraft drawings. Such position light flashers shall comply with minimum requirements for single-circuit position light flashers stated herein, and approval thereof will be recognized by all Federal Aviation Agency representatives.

(b) *Directive.*—(1) *Provision.* The performance requirements as set forth in Subsection 3.3 and Section 4 of SAE Specification AS–273 "Position Light Flashers: Single-Circuit (Personal Aircraft Types)" dated October 15, 1953,[7] are hereby established as minimum safety standards for single-circuit position light flashers intended for use in all non-air-carrier civil aircraft, except that the time ratio of the "on" interval to the "off" interval specified in Subsection 4.2 shall be between 2.5:1 and 1:1, within each flashing cycle.

(2) *Application.* Single-circuit position light flashers complying with the specifications appearing in this Order are hereby approved for all non-air-carrier aircraft. Single-circuit position light flashers already approved by the Administrator prior to the effective date of this Order may continue to be installed in aircraft for which they were approved, and may be installed in aircraft:

(i) For which an application for original type certificate is made prior to the effective date of this Order,

(ii) The prototype of which is flown within one year after the effective date of this Order, and

(iii) The prototype of which is not flown within one year after the effective date of this Order, if due to causes beyond the applicant's control.

(c) *Specific instructions.*—(1) *Marking.* In addition to the identification required in Subsection 3.2 of SAE Specification AS–273, except that the number AS–273 is not required, single-circuit position light flashers shall be permanently marked with the Technical Standard Order designation FAA–TSO–C33, to identify the position light flasher as meeting the requirements of this Order in accordance with the manufacturer's statement of conformance outlined below. This identification will be accepted by the Federal Aviation Agency as evidence that the established minimum safety requirements for single-circuit position light flashers have been met.

(2) *Data requirements.* None.

(3) *Effective date.* After May 17, 1954, specifications contained in this Order will constitute the basis for approval of single-circuit position light flashers for use in non-air-carrier aircraft.

(4) *Deviations.* Requests for deviation from, or waiver of, the requirements of this Order, which affect the basic airworthiness of the component, should be submitted for the approval of the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(5) *Conformance.* (i) The manufacturer shall furnish to the FAA (address as noted under "Deviations" above), a written statement of conformance signed by a responsible official of his company, setting forth that the position light flasher to be produced by him meets the minimum safety standards established in this Order. Immediately thereafter, distribution of the single-circuit position light flasher conforming with the terms of this Order may be started and continued.

(ii) The prescribed identification on the position light flasher does not relieve the aircraft manufacturer or owner of responsibility for the proper installation of the position light flashers in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Federal Aviation Regulations.

(iii) If complaints of nonconformance with the requirements of this Order are brought to the attention of the Federal Aviation Agency, and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order and other Technical Standard

[6] The strength requirements contained herein are conservative for rotocraft ski installation.

[7] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Ave., New York, N.Y., 10017.

Orders may be obtained from the Distribution Section, HQ–436, Federal Aviation Agency, Washnigton, D.C., 20553.

[F.R. Doc. 65–11068; Filed, Oct. 15, 1965; 8:45 a.m.]

[Airspace Docket No. 64–EA–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Transition Areas; Correction

On pages 5604 and 5605 of the FEDERAL REGISTER for April 20, 1965, the Federal Aviation Agency published proposed regulations which contained typographical errors in two latitudes in the description of the Allentown, Pa., 1,200-foot transition area. Inadvertently, these errors were carried forward and published in the final rule which appeared on page 11134 of the FEDERAL REGISTER for August 28, 1965.

The Federal Aviation Agency finds that because this amendment is to correct apparent typographical errors in printing that notice and public procedure hereon are unnecessary and therefore publishes the corrections as a final rule.

In view of the foregoing, the corrections are hereby adopted effective upon publication in the FEDERAL REGISTER as hereinafter set forth:

1. Under Item 2, description of the 1200 feet above surface airspace, delete the coordinates "40°33'00" N., and 04°31'15" N." and insert in lieu thereof respectively, "40°38'00" N. and 40°31'-15" N.", and delete word "to" after coordinate 40°49'00" N.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on September 28, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65–11069; Filed, Oct. 15, 1965; 8:45 a.m.]

[Airspace Docket No. 65–EA–70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The East Hartford, Conn., control zone (30 F.R. 8035) is described in part, by reference to Runway 14 at Rentschler Field, which has been closed permanently. A rule to delete the control zone extension based on this runway is therefore required.

Since this alteration of the control zone releases airspace from control, notice and public procedure herein are unnecessary.

In view of the foregoing, the proposed regulation is hereby adopted effective 0001 e.s.t., January 6, 1966, as follows:

1. Amend § 71.171 of the Federal Aviation Regulations so as to delete in the description of the East Hartford control zone the punctuation and words "; and within 2 miles each side of the centerline of Runway 14 extended from the 5-mile radius zone to 7 miles southeast of the end of the runway." and insert in lieu thereof a period.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 1, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65–11071; Filed, Oct. 15, 1965; 8:45 a.m.]

[Airspace Docket No. 65–EA–71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extensions

As a result of the designation of transition areas in the same airspace, the Mansfield, Ohio (29 F.R. 17568), Youngstown, Ohio (29 F.R. 17580), and Pittsburgh, Pa. (29 F.R. 17574), control area extensions are no longer required and will therefore be revoked.

These revocations will basically delete a duplicate designation of the airspace. The Federal Aviation Agency therefore finds that notice and public procedure hereon are unnecessary.

In view of the foregoing, the subject regulations are hereby adopted effective 0001 e.s.t., January 6, 1966, as follows:

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to delete the Mansfield, Ohio, Youngstown, Ohio, and Pittsburgh, Pa., control area extensions.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 1, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65–11072; Filed, Oct. 15, 1965; 8:45 a.m.]

[Airspace Docket No. 65–EA–72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extensions

As a result of the designation of transition areas in the same airspace, the Westhampton Beach, N.Y., control area extension (29 F.R. 17580) is no longer required and will therefore be revoked.

This revocation will basically delete a duplicate designation of airspace. The Federal Aviation Agency therefore finds that notice and public procedure hereon are unnecessary.

In view of the foregoing, the subject regulation is hereby adopted effective 0001 e.s.t., January 6, 1966, as follows:

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to delete the Westhampton Beach, N.Y., control area extension.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 1, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65–11073; Filed, Oct. 15, 1965; 8:45 a.m.]

[Airspace Docket No. 65–SO–57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alterations of Federal Airways and Jet Routes

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to realign VOR Federal airway No. 35 north of St. Petersburg, Fla., and Jet Routes Nos. 41, 85, and 89 in the Miami, Fla., and St. Petersburg, Fla., areas.

Realignment of VOR Federal airway No. 35 north of St. Petersburg, Fla., by one degree to the east is required to permit application of a 15° nonradar separation between VOR Federal airways Nos. 35 and 97. Realignment of Jet Route No. 41 in the Miami and St. Petersburg, Fla., areas is required so that the jet routes will overlie the pertinent low altitude airways. These alterations will facilitate transition between the jet routes and the low altitude airways.

Since these amendments are minor in nature and involve a realignment of only one degree for these airways, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., December 9, 1965, as hereinafter set forth.

1. Section 71.123 (29 F.R. 1009; 30 F.R. 5506, 30 F.R. 8157, 30 F.R. 10883) is amended as follows:

a. In V–35 "Cross City, Fla.," is deleted and "INT of St. Petersburg 350° and Cross City, Fla., 168° radials; Cross City," is substituted therefor.

2. Section 75.100 (29 F.R. 17776; 30 F.R. 1113; 29 F.R. 16066) is amended as follows:

a. In Jet Route No. 41 "St. Petersburg, Fla.;" is deleted and "INT of Miami 316° and St. Petersburg, Fla., 133° radials; St. Petersburg;" is substituted therefor.

b. In Jet Routes Nos. 85 and 89 "Miami 315°" is deleted and "Miami 316°" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 11, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–11070; Filed, Oct. 15, 1965; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—War Orphans' Educational Assistance Under 38 U.S.C. Ch. 35

EFFECTIVE BEGINNING DATE OF ENTRANCE OR REENTRANCE INTO TRAINING

In § 21.3054, that portion of paragraph (d) preceding subparagraph (1) is amended to read as follows:

§ 21.3054 Effective beginning dates of entrance or reentrance into training and for payment of educational assistance allowance.

* * * * *

(d) *Waiver of time limits.* Under the conditions stated in this paragraph, the time limits of paragraph (b) of this section may be waived. These time limits may also be waived by appellate decision pursuant to the appeal of the parent or guardian, or by the eligible person himself, where applicable.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective September 30, 1965.

Approved: October 12, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65–11121; Filed, Oct. 15, 1965; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service, Meat Inspection, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 317—LABELING

False or Deceptive Labeling or Practices

Correction

In F.R. Doc. 65–7232, appearing at page 8673 of the issue for Friday, July 9, 1965, the following corrections are made:

A. Item 2, which sets forth amendatory language for § 317.8, is changed to read as follows:

2. Section 317.8(c) (16), (27), and (32), and the eighth sentence of § 317.8 (c) (40), are amended; a new sentence is added immediately following the amended eighth sentence of § 317.8(c) (40); and § 317.8(c) (48) is amended. The amended and added portions of § 317.8 read as follows:

B. That portion of § 317.8(c) (40) which is set forth in the center column of page 8674 is changed to read as follows:

(40) * * * Sausage may contain not more than 3½ percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk, or dried milk. In determining the maximum amount of the ingredients specified in this subparagraph which may be used, individually or collectively, in a product, 2 percent of isolated soy protein shall be considered the equivalent of 3.5 percent of any other ingredient specified in this subparagraph.

* * * * *

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 2—DOMESTIC MAIL SERVICE

PART 13—ADDRESSES

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

PART 46—RURAL SERVICE

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

§ 2.1 [Amended]

I. In Part 2, § 2.1 *Domestic mail service* is amended by footnoting the words "Canal Zone" to show cross reference to § 15.7(d) of this chapter, *Customs Declaration Tag for Canal Zone,* and to § 21.2(c) (5) (ii) of this chapter, *Business Reply Mail.* The footnote reads as follows:

[1] See §§ 15.7(d) and 21.2(c) (5) (ii) of this chapter.

NOTE: The corresponding Postal Manual section is Part 112.

II. In Part 13 make the following changes:

A. In § 13.2, paragraph (a) with its accompanying illustration is modified to show a rural route return address and an apartment address. As so modified, paragraph (a) reads as follows:

§ 13.2 Arrangement of address.

(a) The proper place for the address is in the lower right portion of the address area; postage (stamps or meter stamps or permit imprints) in the upper right corner; and return address of sender in the upper left corner.

* * * * *

NOTE: The corresponding Postal Manual section is 123.21.

Frank B. White
Rural Route 3, Box 261
Mitchellville, Md. 21109

U.S. POSTAGE 5¢

Mr. Henry Brown
8756 Alaska Avenue S., Apt. 107
Chicago, Illinois 60652

B. In § 13.5, subdivision (ii) in paragraph (a) (2) is amended to show that ZIP codes will be furnished when permanent forwarding orders are on file. As so amended, subdivision (ii) reads as follows:

§ 13.5 Mailing list services.

(a) *Correction of mailing lists*—* * *

(2) *Name and address lists*—* * *

(ii) *Type of corrections made.* Names to which mail cannot be delivered or forwarded will be crossed off; incorrect house, rural, or post office box numbers will be corrected; initials will be corrected where apparently the name is known to the owner of the list; and the head of the family will be indicated, if known, when two or more names are shown for the same address. New addresses, including ZIP code numbers for patrons who have moved, will be furnished when permanent forwarding orders are on file. If no change is necessary, an X will be marked in the upper right corner of the card. New names will not be added to a list. See paragraph (c) of this section for delivery sequence.

NOTE: The corresponding Postal Manual section is 123.512b.

C. Section 13.8 is revised to include instructions concerning military addresses within the United States. As so revised, § 13.8 reads as follows:

§ 13.8 Military mail.

(a) *Overseas military mail*—(1) *Army and Air Force.* Show grade, full name, including first name and middle name or initial, service number, organization, APO number and the post office through which the mail is to be routed. Examples:

Pvt. Willard J. Doe, RA 32000000,
Company F,
167th Infantry Regt.,
APO New York 09801

A/1c Harold F. Doe, AF 15000000,
2d Bomb Squadron,
APO New York 09125

(2) *Navy and Marine Corps.* Show full name, including first name and middle name or initial, rank or rating, service number, shore based organizational unit with Navy number, or mobile unit designation, or name of ship, and the fleet post office through which the mail is to be routed. Examples:

John M. Doe, QMSN USN,
USS Lyman K. Swenson (00729),
FPO San Francisco 96601

Maj. John M. Doe, USMCR,
Staff, Fleet Marine Force Pacific,
FPO San Francisco 96601

(3) *Abbreviated addresses.* Those mailers addressing mail by data processing equipment may shorten the address further by abbreviating the name of the gateway post office, as for example:

APO NY 09403
APO SF 96503
APO SEA 98749

(b) *Military mail within United States*—(1) *Army and Air Force.* Show grade, full name, including first name and middle name or initial, service number, organization, military installation and the ZIP code. Examples:

Pvt. Willard J. Doe, RA 32000000,
Co B. 1st Bn, 12th Infantry,
Fort Lewis, Washington 98433

A/1c Harold F. Doe, AF 15000000,
1 Strat Aerosp Div,
Vandenberg AFB, California 93437

(2) *Navy and Marine Corps.* Show full name, including first name and middle name or initial, rank or rating, service number, organization, military installation and ZIP code. Examples:

Bill E. Smith, SK3, 331 20 54 USN,
U.S. Naval Supply Depot,
Great Lakes, Illinois 60088

M/SGT Peter V. Perez, 1342165 USMC,
Headquarters Battalion,
Headquarters U.S. Marine Corps,
Henderson Hall,
Arlington, Virginia 22214

(c) *Geographical address.* Mail showing a foreign city and country in addition to the military address is subject to the rates of postage and conditions for international mail.

NOTE: The corresponding Postal Manual section is 123.8.

III. In Part 31 make the following changes:

A. In § 31.1, the chart under paragraph (a) is amended to show that precanceled stamps may be purchased singly, in coils or in sheet form. Also, the footnote to the chart is modified to permit the sale of the 1¼ cent denomination unprecanceled stamp solely for collection purposes. As so amended, paragraph (a) reads as follows:

§ 31.1 Stamps (adhesive).

(a) *Adhesive stamps available.*

Purpose	Form	Denomination and prices
Ordinary postage	Single or sheet	½,[1] 1, 1¼,[2] 2, 2½,[1] 3, 4, 4½,[1] 5 through 12 cents; 15, 20, 25, 30, 40, and 50 cents; $1 and $5.
	Book	24 [1] 4-cent: 97 cents. 20 5-cent: $1.00.
	Coil of 100	4 cents: $4.00. 5 cents: $5.00. (Dispenser to hold coils of 100 stamps may be purchased for 5 cents additional.)
	Coils of 500 and 3,000	1, 1¼,[2] 2, 3, 4, 4½ [1] and 5 cents.
Commemorative stamps	Single or sheet	Various denominations as announced.
Airmail postage (for use on airmail only; see paragraph (b) of this section).	Single or sheet Book Coils of 100, 500, and 3,000.	6, 8, 13, 15, and 25 cents. 25 8-cent: $2.00. 8 cents.
Precanceled postage	Single, coils of 500 and 3,000, or sheet.	Available to permit holders only (see part 32 of this chapter).
Postage-due (for post office use only).	Single or sheet	1, 2, 3, 4, 5, 6, 7, 8, 10, 30, and 50 cents; $1 and $5. (Available to public for stamp collections only through the Philatelic Sales Agency, Post Office Department, Washington, D.C., 20260.)
Special delivery (see part 56 of this chapter).	Single or sheet	30 cents. Good only for special delivery fee.

[1] Will be discontinued when stock is exhausted.
[2] Available in precanceled form only except that unprecanceled stamps may be sold for collection purposes.

* * * * * * *

B. In § 31.2, paragraph (a) (5) is amended to show manufacture of size 9 envelopes was discontinued on December 31, 1964. As so amended, paragraph (a) (5) reads as follows:

§ 31.2 Plain envelopes, postal cards, and aerogrammes.

(a) *Plain stamped envelopes.*—* * *

(5) *Dimensions of envelopes.*

Size 6¾	3⅝ by 6½ inches.
Size 9 (manufacture was discontinued 12-31-64)	3⅞ by 8⅞ inches.
Size 10	4⅛ by 9½ inches.

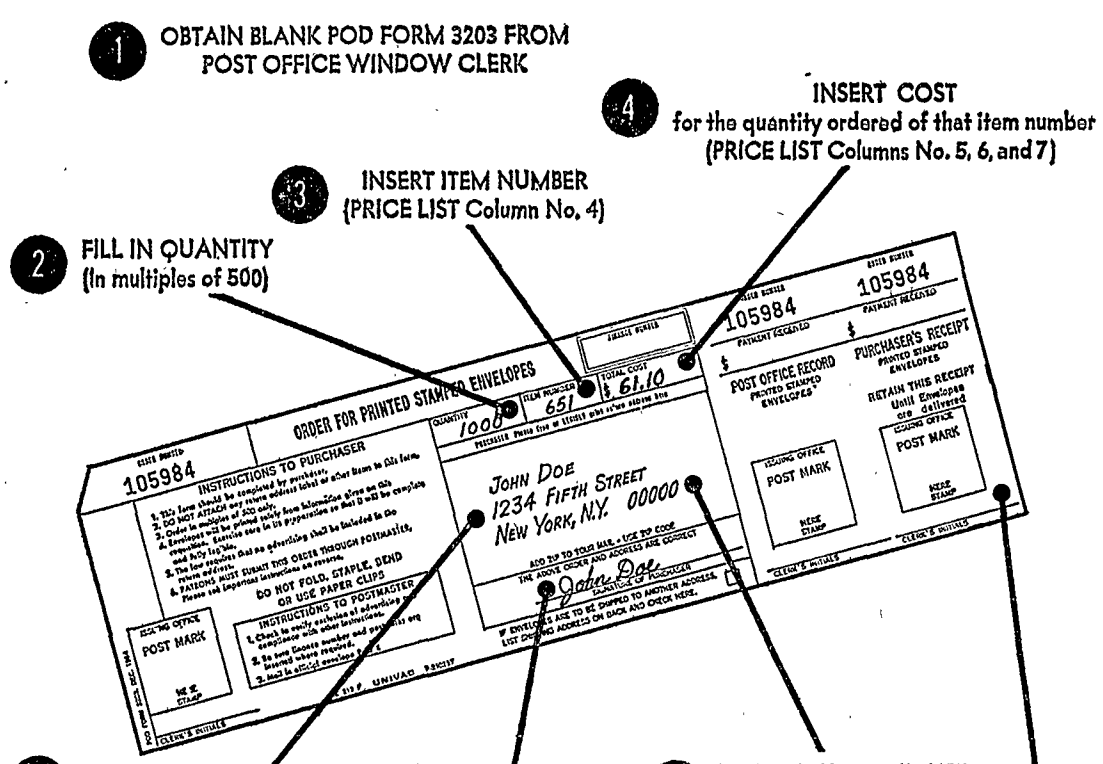
* * * * *

NOTE: The corresponding Postal Manual section is 141.215.

C. In § 31.3, paragraph (b) is amended by the inclusion of a revised illustration to show patrons how to order printed stamped envelopes. As so amended, paragraph (b) reads as follows:

§ 31.3 Printed stamped envelopes (special request).

(b) *How to order printed stamped envelopes.* Prepare form 3203, Order for Printed Stamped Envelopes, as illustrated below. Submit the order through the post office named in the return address. However, if undeliverable letters are to be returned to the main office of a firm in another city, envelopes may be ordered at the post office where they will be mailed.



KIND	SIZE	DENOMINATION	ITEM NO.	PRICES 500 ONLY*	PRICES 1,000 OR MORE PER 1,000	PRICES 1,000 OR MORE EACH ADDITIONAL 500
Regular	6¾	4¢	641	$25.80	$51.10	$25.55
	6¾	5¢	651	30.80	61.10	30.55
	10	4¢	141	26.45	52.40	26.20
	10	5¢	151	31.45	62.40	31.20
Window	6¾	4¢	642	26.25	52.00	26.00
	6¾	5¢	652	31.25	62.00	31.00
	10	4¢	142	27.10	53.70	26.85
	10	5¢	152	32.10	63.70	31.85
Precanceled	6¾	1¼¢	613	12.05	23.60	11.80
	10	1¼¢	113	12.70	24.90	12.45
Airmail	6¾	8¢	684	46.00	91.50	45.75
	10	8¢	184	46.65	92.80	46.40

* Minimum order

CAUTION: ILLEGIBLE OR INCORRECT ORDERS DELAY RECEIPT OF ENVELOPES

* * * * *

NOTE: The corresponding Postal Manual section is 141.32.

IV. In Part 46 make the following changes:

A. In § 46.3, paragraph (a) is broken down into two subparagraphs (a) (1) and (a) (2). Subparagraph (a) (2) now permits the use of apartment house mail receptacles on rural routes. As so revised, paragraph (a) reads as follows:

§ 46.3 Carrier service.

(a) *Availability.* (1) Rural carrier service is provided to persons who erect approved boxes on the line of travel of the rural carriers, except those residing within city delivery limits.

(2) Door delivery service will be provided to apartment houses and other multiple dwellings which use or qualify to use apartment house mail receptacles as provided in § 45.6 of this chapter.

* * * * *

NOTE: The corresponding Postal Manual section is 156.31.

B. In § 46.5, the written material under paragraph (d) is revised to include a reference to § 46.3(a) (2) of this chapter which now permits the use of apartment house mail receptacles on rural routes. As so revised, paragraph (d) reads as follows:

§ 46.5 Rural boxes.

* * * * *

(d) *Location.* Rural boxes must be placed so that they may be safely and conveniently served by carriers without leaving their conveyances, and must be located on the right-hand side of the road in the direction of travel of the carriers in all cases where traffic conditions are such that it would be dangerous for the carriers to drive to the left in order to reach the boxes, or where their doing so would constitute a violation of traffic laws and regulations. (Exception: See § 46.3(a) (2).) On new rural routes all boxes must be located on the right of the road in the direction of travel of the carrier. Boxes must be placed to conform with State laws and highway regulations. Rural carriers are subject to the same traffic laws and regulations as are other motorists. Patrons must remove obstructions, including snow, that make delivery difficult.

* * * * *

NOTE: The corresponding Postal Manual section is 156.54.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501.)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-11010; Filed, Oct. 15, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[§ 850.147, as amended; Supp. 1]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Colorado Proportionate Share Areas and Farm Proportionate Shares for 1965 Crop

Pursuant to the provisions of § 850.147 (29 F.R. 14620, 15801, 17029), the Agricultural Stabilization and Conservation Colorado State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm shares for the 1965 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Colorado. Copies of these bases and procedures are available for public inspection at the office of such Committee in the Federal Building, Denver, Colo., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Colorado. These bases and procedures incorporate the following:

§ 850.148 Colorado.

(a) *Proportionate share areas.* Colorado shall be divided into three proportionate share areas comprising the parts of the State included in the factory districts of the Great Western Sugar Co., the Rocky Ford-Sugar City factory districts, and the Delta factory district. These areas shall be designated Northern Area, Southern Area, and Western Area, respectively. Acreage allotments of 145,269, 21,211, and 9,621 acres, respectively, are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation.

(b) *Set-asides of acreage.* Set asides of acreage shall be made from area allotments as follows: Northern Area—1525 acres for new producers and 679 acres for appeals and adjustments in initial shares; Southern Area—660 acres for new producers and 99 acres for appeals and adjustments in initial shares; and Western Area—135 acres for new producers, and 102 acres for appeals and adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASC County Office on Form SU-100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.147. If a preliminary request for a tentative farm share is filed, as provided in § 850.147, a fully complete Form SU-100 shall be filed by March 22, 1965. However, requests for shares may be accepted after such dates and shares may be established if the State Committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such dates because of illness or other reason beyond his control and provided further, that requests may be accepted generally by the State Committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* For each old-producer farm, a farm base shall be determined on the basis of a formula giving 30 percent weighting to the average accredited acreage for the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the farm for the crop year 1964.

(2) *Initial proportionate shares.* For each proportionate share area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph exceeds the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases in each proportionate share area by prorating to the farms in accordance with their respective bases, but not in excess of their requests, the area allotment less such set-asides. The proration factor for each area shall be as follows: Northern Area—0.950; Southern Area—0.986; and Western Area—0.950.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers in each proportionate share area, shares shall be established in an equitable manner for farms to be operated during the 1965-crop year by new producers. The State committee has determined that the minimum acreage which is economically feasible to plant as a new-producer farm share is 25 acres in the Northern area, 20 acres in the Southern area and 15 acres in the Western area. Distribution of acreage for establishing new-producer shares will be made on the basis of an entire allotment area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee, subject to review by the State committee, by taking into consideration availability and suitability of land, availability of irrigation water (where irrigation is used), adequacy of drainage, the produc-

tion experience of the operator, and the availability of production and marketing facilities, shall rate each farm as provided in § 850.147(k). The State committee shall establish new-producer farm shares as provided therein.

(f) *Adjustments and appeals.* Within the acreage available from the set-aside for adjustments and appeals, and from any acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments may be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, crop rotation, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Such acreage shall also be used to make adjustments in shares under appeals to establish fair and equitable shares in accordance with the provisions of § 891.1 of this chapter applicable to appeals.

(g) *Adjustments because of unused or unallotted acreage.* Any acreage made available during the 1965-crop season by underplanting or failure to plant proportionate share acreage on farms in any county shall be reported to the ASC State committee. Acreages released and so reported, together with available acreages from unused set-asides or from other sources of unused acreage shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall be made prior to September 1, 1965.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1965 Sugarbeet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreages, appeals, or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU–103 marked "revised." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.147.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.147.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Colorado State Committee for determining farm shares in Colorado for the 1965 crop of sugarbeets.

Colorado is divided into three proportionate share areas, the Northern area which includes the factory districts of the Great Western Sugar Co., the Southern area which includes the Rocky Ford-Sugar City factory districts and the Western area which includes the Delta factory district. Similar areas were used during the previous period of restrictive proportionate shares. Informal relationships are maintained with grower and processor representatives.

In establishing shares for old-producer farms, the factors of "past production" and "ability to produce" sugarbeets are measured by applying a formula which gives a 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and a 70 percent weighting to the 1964 crop accredited acreage. Shares for new-producers are established as provided in § 850.147. Minimum economic units for new-producer farms are determined to be twenty-five acres for the Northern area, twenty acres for the Southern area and fifteen acres for the Western area.

The bases and procedures for making adjustments in initial shares and for adjusting shares subsequently because of unused acreage and appeals, are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: September 1, 1965.

ARTHUR ISGAR,
Chairman, Agricultural Stabilization and Conservation Colorado State Committee.

Approved: October 12, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65–11131; Filed, Oct. 15, 1965; 8:45 a.m.]

[§ 850.147, as amended; Supp. 2]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Utah Proportionate Share Areas and Farm Proportionate Shares for 1965 Crop

Pursuant to the provisions of § 850.147 (29 F.R. 14620, 15801, 17029), the Agricultural Stabilization and Conservation Utah State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm shares for the 1965 sugarbeet crop from the acreage allocated and from any unused acreage redistributed to Utah. Copies of these bases and procedures are available for public inspection at the office of such committee at 125 South State Street, Salt Lake City, Utah, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Utah. These bases and procedures incorporate the following:

§ 850.149 Utah.

(a) *Proportionate share areas.* Utah shall be divided into six proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Garland, West Jordan-Gunnison, Cache, Ogden, Layton, and Carbon. Acreage allotments for these areas shall be computed on the basis of a formula giving a 25 percent weighting to the accredited acreage for each of the crop years 1962 and 1963 and a 50 percent weighting to the 1964 accredited acreage, as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation. This results in the following area acreage allocations: Garland Area—9,503 acres; West Jordan-Gunnison Area—14,113 acres; Cache Area—4,598 acres; Ogden Area—2,441 acres; Layton Area—3,110 acres; and Carbon Area—878 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: (1) For new producers: Garland Area—69.5 acres, West Jordan-Gunnison Area—925 acres; Cache Area—163.5 acres, Ogden Area—69.5 acres, Layton Area—48.0 acres, and Carbon Area—15.0 acres. (2) For appeals and adjustments in initial shares: Garland Area—109.9 acres, West Jordan-Gunnison Area—145 acres, Cache Area—155.5 acres, Ogden Area—36.9 acres, Layton Area—151.4 acres, and Carbon Area—50.6 acres.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASC County Office on Form SU–100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.147. If a preliminary request for a tentative farm share is filed as provided in § 850.147, a fully-completed Form SU–100 shall be filed by March 31, 1965. However, requests for shares may be accepted after such dates and shares may be established if the State Committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of illness, or other reasons beyond his control, and provided further, that requests may be accepted generally by the State Committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* For each old-producer farm, a farm base, shall be determined on the basis of a formula giving 25 percent weighting to the accredited acreage for the farm for each of the crop years 1962 and 1963 and 50 percent weighting to the accredited acreage for the farm for the 1964 crop year.

(2) *Initial proportionate shares.* For each proportionate share area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph (d), is equal to or less than the area allotment minus the set-asides of acreage established under paragraph

(b) of this section. Accordingly, initial shares shall be established from the farm bases in each proportionate share area as follows: For farms for which respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph (2). The proration factor for each area shall be as follows: Garland Area—1.00; West Jordan-Gunnison Area—1.35; Cache Area—1.20; Ogden Area—1.00; Layton Area—1.00; and Carbon Area—1.00.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers in each proportionate share area, shares shall be established in an equitable manner for farms to be operated during the 1965-crop year by new producers. The State Committee has determined that a 15 acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share. Distribution of acreage for establishing new-producer shares will be made on the basis of an entire allotment area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the County Committee, subject to review by the State Committee, by taking into consideration availability and suitability of land, availability of irrigation water (where irrigation is used), adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities, shall rate each farm as provided in § 850.147(k). The State Committee shall establish new-producer farm shares as provided therein.

(f) *Adjustments and appeals.* Within the acreage available from the set-aside for adjustments and appeals, and from any acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments may be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, crop rotation, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Such acreage shall also be used to make adjustments in shares under appeals to establish fair and equitable shares in accordance with the provisions of § 891.1 of this chapter applicable to appeals.

(g) *Adjustments because of unused or unallotted acreage.* Any acreage made available during the 1965-crop season by underplanting or failure to plant proportionate share acreage on farms in any county shall be reported to the ASC State Committee. Acreages released and so reported, together with available acreages from unused set-asides and from other sources of unused acreage shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall be made prior to September 1, 1965.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1965 Sugarbeet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals, or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU–103 marked "revised." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.147.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.147.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Utah State Committee for determining farm shares in Utah for the 1965 crop of sugarbeets.

Utah is divided into six proportionate share areas. Similar areas were used during the previous period of restrictive proportionate shares. Informal relationships are maintained with grower and processor representatives.

In establishing shares for old-producer farms, the factors of "past production" and "ability to produce" are measured by applying a formula which gives a 25 percent weighting to the accredited acreage record for the farm for each of the crop years 1962 and 1963 and a 50 percent weighting to the accredited acreage for the 1964 crop. Shares for new producers are established as provided in § 850.147. Minimum economic units for new-producer farms were determined to be 15 acres.

The bases and procedures for making adjustments in initial shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: September 8, 1965.

JESSE S. TUTTLE,
Chairman, Agricultural Stabilization and Conservation Utah State Committee.

Approved: October 12, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65–11132; Filed, Oct. 15, 1965; 8:45 a.m.]

[§ 850.147, as amended; Supp. 3]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Washington Proportionate Share Areas and Farm Proportionate Shares for 1965 Crop

Pursuant to the provisions of § 850.147 (29 F.R. 14620, 15301, 17029), the Agricultural Stabilization and Conservation Washington State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm shares for the 1965 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Washington. Copies of these bases and procedures are available for public inspection at the office of such committee at the Bon Marche Building (Room 847), 214 North Wall Street, Spokane, Wash., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Washington. These bases and procedures incorporate the following:

§ 850.150 Washington.

(a) *Proportionate share areas.* Washington shall be divided into two proportionate share areas as served by beet sugar companies. These areas shall be designated Utah-Idaho Area and American Crystal Area. Acreage allotments of 53,672 and 2,510 acres, respectively, are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Utah-Idaho Area—260 acres for new producers, and 266 acres for appeals and adjustments; American Crystal Area—20 acres for new producers, and 14 acres for appeals and adjustments.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASC County Office on Form SU–100, Requests for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.147. If a preliminary request for a tentative farm share is filed, as provided in § 850.147, a fully-completed Form SU–

100 shall be filed by March 8, 1965. However, requests for shares may be accepted after such dates and shares may be established if the State Committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of illness, or other reason beyond his control, and provided further, that requests may be accepted generally by the State Committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* For each old-producer farm, a farm base shall be determined on the basis of the personal accredited acreage record of the person who will operate such farm for the 1965-crop year. For farms whose operators have a personal production record within an allotment area for all three years of the base period, the base shall be determined on the basis of a formula giving a 30 percent weighting to the average of the personal accredited acreage record within the area of such operator for the crop years 1962 and 1963 and a 70 percent weighting to such record for the crop year 1964. If such operator has a personal production record within an area in only one or two years of the base period, a 15 percent weighting shall be applied to such record for each of the crop years 1962 and 1963 and a 70 percent weighting to the record for the crop year 1964.

(2) *Initial proportionate shares.* For the American Crystal area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph (2). For the Utah-Idaho area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, exceeds the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases by prorating to the farms in accordance with their respective bases, but not in excess of their requests, the area allotment less such set-asides. The proration factor for each area shall be as follows: American Crystal area—1.9823; and Utah-Idaho area—0.948.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers in each proportionate share area, shares shall be established in an equitable manner for farms to be operated during the 1965-crop year by new producers. The State Committtee has determined that a 20-acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share in each area. Distribution of acreage for establishing new-producer shares will be made on the basis of the entire area with respect to the American Crystal Area and on an individual county basis with respect to the Utah-Idaho area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee, subject to review by the State Committee, by taking into consideration availability and suitability of land, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities, shall rate each farm as provided in § 850.147(k) and shall establish new-producer farm shares as provided therein.

(f) *Adjustments and appeals.* Within the acreage available from the set-aside for adjustments and appeals, and from any acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments may be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, crop rotation, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Priority shall be given to increasing shares for farms for which initial shares were determined at less than 20 acres to a level of 20 acres or lesser amount if requested. Such acreage shall also be used to make adjustments in shares under appeals to establish fair and equitable shares in accordance with the provisions of § 891.1 of this chapter applicable to appeals.

(g) *Adjustments because of unused or unallotted acreage.* Any acreage made available during the 1965-crop season by underplanting or failure to plant proportionate share acreage on farms in any county shall be reported to the ASC State Committee. Acreages released and so reported, together with available acreages from unused set-asides or from other sources of unused acreage shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall be made prior to August 25, 1965.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1965 Sugarbeet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU–103 marked "revised." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.147.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.147.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Washington State Committee for determining farm shares in Washington for the 1965 crop of sugarbeets.

Washington is divided into two allotment areas. Informal relationships are maintained with grower and processor representatives. In establishing shares for old producers, the factors of "past production" and "ability to produce" sugarbeets are measured by applying a formula to the operator's accredited acreage record for the crop years 1962–64.

Farm shares for new producers are established as provided in § 850.147.

The bases and procedures for making adjustments in initial shares and for adjusting shares subsequently because of unused acreage and appeals, are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930 as amended; 7 U.S.C. 1131, 1132)

Dated: September 2, 1965.

KEITH D. CARLSON,
Chairman, Agricultural Stabilization and Conservation Washington State Committee.

Approved: October 12, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65–11133; Filed, Oct. 15, 1965; 8:46 a.m.]

[§ 850.147, as amended; Supp. 4]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Wyoming Proportionate Share Areas and Farm Proportionate Shares for 1965 Crop

Pursuant to the provisions of § 850.147 (29 F.R. 14620, 15801, 17029), the Agricultural Stabilization and Conservation

Wyoming State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm shares for the 1965 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Wyoming. Copies of these bases and procedures are available for public inspection at the office of such Committee at 345 East Second Street, Casper, Wyo., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Wyoming. These bases and procedures incorporate the following:

§ 850.151 Wyoming.

(a) *Proportionate share areas.* Wyoming shall be divided into two proportionate share areas as served by beet sugar companies. These areas shall be designated as the Great Western Area and Holly Area, respectively. Acreage allotments of 24,004 and 33,096 acres, respectively, are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation.

(b) *Set-aside of acreage.* Set-asides of acreage shall be made from area allotments as follows: Great Western Area—120 acres for new producers and 120 acres for appeals and adjustments in initial shares, and Holly Area—166 acres for new producers, and 166 acres for appeals and adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASC County Office on Form SU–100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.147. If a preliminary request for a tentative farm share is filed, as provided in § 850.147, a fully-completed Form SU–100 shall be filed by March 17, 1965. However, requests for shares may be accepted after such dates and shares may be established if the State Committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of illness or other reasons beyond his control, and provided further, that requests may be accepted generally by the State Committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* For each old-producer farm, a farm base shall be determined on the basis of a formula giving 30 percent weighting to the average accredited acreage of the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage record for the crop year 1964.

(2) *Initial proportionate shares.* For both the Holly and Great Western Area, the total of farm bases for old-producer farms as established pursuant to this paragraph exceeds the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases within each area by prorating to the farms in accordance with their respective bases, but not in excess of their requests, the area allotment less such set-aside. The proration factor for the Great Western Area shall be 0.910913404 and for the Holly Area shall be 0.92527695.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new-producers in each proportionate share area, shares shall be established in an equitable manner for farms to be operated during the 1965-crop year by new-producers. The State Committee has determined that a 15 acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share. Distribution of acreage for establishing new-producer shares will be made on the basis of an entire allotment area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the County Committee, subject to review by the State Committee, by taking into consideration availability and suitability of land, availability of irrigation water, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities, shall rate each farm as provided in § 850.147(k). The State Committee shall establish new-producer farm shares as provided therein.

(f) *Adjustments and appeals.* Within the acreage available from the set-aside for adjustments and appeals, and from any acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments may be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, crop rotation, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Such acreage shall also be used to make adjustments in shares under appeals to establish fair and equitable shares in accordance with the provisions of § 891.1 of this chapter applicable to appeals.

(g) *Adjustments because of unused or unallotted acreage.* Any acreage made available during the 1965-crop season by underplanting or failure to plant proportionate share acreage on farms in any county shall be reported to the ASC State Committee. Acreages released and so reported together with available acreages from unused set-asides or from other sources of unused acreage shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall be made prior to August 30, 1965. Notwithstanding the foregoing provisions of this paragraph (g), no proportionate share acreage used to produce sugarbeets for processing at the Utah-Idaho Sugar Co.'s factory in Belle Fourche, South Dakota and not now being used for sugarbeet production because of the closing of such factory may be distributed to other farms in the State.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1965 Sugarbeet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU–103 marked "revised." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.147.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.147.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Wyoming State Committee for determining farm shares in Wyoming for the 1965 crop of sugarbeets.

Wyoming is divided into two areas. Informal relationships are maintained with grower and processor representatives. In establishing shares for old-producer farms, the factors of "past production" and "ability to produce" sugarbeets are measured by a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and a 70 percent weighting to the accredited acreage for the 1964 crop year.

Farm shares for new producers are established as provided in § 850.147. Fifteen acre shares are determined to be minimum economic units for new-producer farms.

The bases and procedures for making adjustments in initial shares and for adjusting shares subsequently because of unused acreage and appeals, are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its

quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: September 9, 1965.

R. LESTER CROMPTON,
Chairman, Agricultural Stabilization and Conservation Wyoming State Committee.

Approved: October 12, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65-11134; Filed, Oct. 15, 1965; 8:46 a.m.]

[§ 850.147, as amended; Supp. 6]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Nebraska Proportionate Share Areas and Farm Proportionate Shares for 1965 Crop

Pursuant to the provisions of § 850.147 (29 F.R. 14620, 15801, 17029), the Agricultural Stabilization and Conservation Nebraska State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm shares for the 1965 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Nebraska. Copies of these bases and procedures are available for public inspection at the office of such Committee at 5801 O Street, Lincoln, Nebr., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Nebraska. These bases and procedures incorporate the following:

§ 850.153 Nebraska.

(a) *Proportionate share areas.* Nebraska shall be divided into four proportionate share areas as served by beet sugar companies. These areas shall be designated American Crystal, Great Western, Holly, and Utah-Idaho, respectively. Acreage allotments for these areas shall be computed by prorating the State allocation to the areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964. This results in the following area acreage allocations: American Crystal Area—8239 acres; Great Western Area—69,195 acres; Holly Area—784 acres; and Utah-Idaho Area—2,555 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from each area allotment for new producers as follows: American Crystal Area—500 acres; Great Western Area—525 acres; Holly Area—0 acres; and Utah-Idaho Area—50 acres. Set-asides for appeals and adjustments shall be as follows: American Crystal Area—42 acres; Great Western Area—346 acres; Holly Area—4 acres; and Utah-Idaho Area—13 acres.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS County Office on Form SU–100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing as provided in § 850.147. If a preliminary request for a tentative farm share is filed, a fully-completed Form SU–100 shall be filed by April 13, 1965. However, requests for shares may be accepted after such dates and shares may be established if the State Committee determines that in any such case the operator was prevented from filing a completed Form SU–100 by such dates because of illness or other reasons beyond his control and provided further, that requests may be accepted generally by the State Committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases*—(i) *American Crystal area.* For each old-producer farm, the farm base shall be determined on the basis of the personal accredited acreage record of the person who will operate such farm for the 1965-crop year. The base shall be determined on the basis of a formula giving a 30 percent weighting to the average of the personal accredited acreage record, within the area, of such operator for the crop years 1962 and 1963 and a 70 percent weighting to such record for the crop year 1964.

(ii) *Great Western.* For each old-producer farm, the farm base shall be the larger of the result of adding 30 percent of the accredited acreage for the farm for the 1962-crop year and 70 percent of the average accredited acreage for such farm for the crop years 1963 and 1964, or, 70 percent of the accredited acreage for the farm for the 1964-crop year.

(iii) *Holly.* For each old-producer farm, the farm base shall be determined on the basis of a formula giving 30 percent weighting to the accredited acreage record for the farm for the 1962-crop year and 70 percent weighting to the average accredited acreage for the farm for the crop years 1963 and 1964.

(iv) *Utah-Idaho.* For each old-producer farm, the farm base shall be determined on the basis of a formula giving 20 percent weighting to the average accredited acreage for the farm for the crop years 1962 and 1963 and 80 percent weighting to the accredited acreage for the farm for the crop year 1964.

(2) *Initial proportionate shares.* For the Utah-Idaho, Holly and American Crystal areas, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, is equal to or less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases in these areas as follows: For farms for which requested acreages are equal to or less than the farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and total of the initial shares established in accordance with the preceding part of this subparagraph. The proration factor for each of these three areas shall be 1.000. For the Great Western area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, exceeds the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases by prorating to the farms in accordance with their respective bases, but not in excess of their requests, the area allotment less such set-asides. The proration factor for this area shall be 0.9129.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers in each proportionate share area, shares shall be established in an equitable manner for farms to be operated during the 1965-crop year by new producers. The State Committee has determined that a 25-acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share. Distribution of acreage for establishing new-producer shares will be made on the basis of entire allotment areas in the American Crystal and Utah-Idaho areas. In the Great Western area such distribution will be made on the basis of individual counties. No new-producer set-aside was made in the Holly area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the County Committee subject to review by the State Committee, by taking into consideration availability and suitability of land, availability of irrigation water, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities, shall rate each farm as provided in § 850.147(k), and shall establish new-producer shares as provided therein.

(f) *Adjustments and appeals.* Within the acreage available from the set-aside for adjustments and appeals, and from any acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments may be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, crop rotation, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Such acreage shall also be used to make adjustments in shares under appeals to establish fair and equitable shares in accord-

ance with the provisions of § 891.1 of this chapter applicable to appeals.

(g) *Adjustments because of unused or unallotted acreage.* Any acreage made available prior to May 3, 1965, by underplanting or failure to plant proportionate share acreage on farms in any county may be distributed to other farms in the county wherein additional acreage may be used. Such distribution to be made prior to May 3, 1965. Any undistributed acreage and any additional acreage made available between such date and May 17, 1965, may be distributed to other farms in the same proportionate share area wherein additional acreage may be used. Except in the American Crystal and Utah-Idaho areas, any undistributed acreage and any additional acreage made available after May 17, 1965, may be distributed to other farms in the State wherein additional acreage may be used. All such distribution shall be made prior to September 7, 1965. Unused acreage in the American Crystal and Utah-Idaho areas may not be distributed to any other area.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1965 Sugarbeet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals, or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU–103 marked "revised share." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.147.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.147.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Nebraska State Committee for determining farm shares in Nebraska in accordance with the proportionate share regulation for the 1965 crop of sugarbeets, as issued by the Secretary of Agriculture.

Nebraska is divided into four areas. Informal relationships are maintained with grower and processor groups. In establishing shares for old producers, the factors of "past production" and "ability to produce" sugarbeets are measured by accredited acreages for the farm during the crop years 1962–64 except in the American Crystal Area. In this area, such factors are measured by the personal accredited acreage record, for such three years, of the person who will be the 1965-crop operator of the farm.

Farm shares for new producers are established as provided in § 850.147.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: August 23, 1965.

HANS O. JENSEN,
Chairman, Agricultural Stabilization and Conservation, Nebraska State Committee.

Approved: October 1, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65–11135; Filed, Oct. 15, 1965; 8:47 a.m.]

[§ 850.147, as amended; Supp. 8]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Montana Proportionate Share Areas and Farm Proportionate Shares for 1965 Crop

Pursuant to the provisions of § 850.147 (29 F.R. 14620, 15801, 17029), the Agricultural Stabilization and Conservation Montana State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm shares for the 1965 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Montana. Copies of these bases and procedures are available for public inspection at the office of such Committee at 211 North Grand Avenue, Bozeman, Mont., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Montana. These bases and procedures incorporate the following:

§ 850.155 Montana.

(a) *Proportionate share areas.* Montana shall be divided into three proportionate share areas comprising the parts of the State as served by the beet sugar companies. These areas shall be designated American Crystal Area, Great Western Area and the Holly Area. Acreage allotments for these areas shall be computed on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" with pro rata adjustments to the State allocation less set-asides for "new producers" and "appeals and adjustments." This results in the following area acreage allocations: American Crystal Area—6,339 acres; Great Western Area—26,696 acres; and Holly Area—29,502 acres.

(b) *Set-asides of acreage.* Set-asides from the State allocation shall be as follows: 320 acres for new producers and 316 acres for appeals and adjustments.

(c) *Request for proportionate shares.* A request for each farm share shall be filed at the local ASC County Office on Form SU–100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.147. If a preliminary request for a tentative farm share is filed, as provided in § 850.147, a fully-completed Form SU–100 shall be filed by March 15, 1965. However, requests for shares may be accepted after such dates and shares may be established if the State Committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of illness or other reasons beyond his control, and provided further, that requests may be accepted generally by the State Committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* For each old-producer farm, a farm base shall be determined on the basis of a formula giving 30 percent weighting to the average accredited acreage for the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the farm for the crop year 1964.

(2) *Initial proportionate shares.* For each proportionate share area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph exceeds the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases in each proportionate share area by prorating to the farms in accordance with their respective bases, but not in excess of their requests, the area allotment less such set-asides. The proration factor for each area shall be as follows: American Crystal Area—0.985700; Great Western Area—0.935000; and the Holly Area—0.914600.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers, shares shall be established in an equitable manner for farms to be operated during the 1965-crop year by new producers. The State Committee has determined that a 20-acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share. Distribution of acreage for establishing new-producer shares shall be made on the basis of an entire allotment area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equi-

table as to relative size among qualified farms, the County Committee, subject to the review of the State Committee, by taking into consideration availability and suitability of land, availability of irrigation water (where irrigation is used), adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities, shall rate each farm as provided in § 850.147(k). The State Committee shall establish new-producer farm shares as provided therein.

(f) *Adjustments and appeals.* Within the acreage available from the set-aside for adjustments and appeals, and from any acreage of initial shares in excess of requested acreages, the State Committee may adjust the initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the county or allotment area. County committees, in making their recommendation for such adjustments, shall give consideration to the availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Such acreage shall also be used to make adjustments in shares under appeals to establish fair and equitable shares in accordance with the provisions of § 891.1 of this chapter applicable to appeals.

(g) *Adjustments because of unused or unallotted acreage.* Any acreage made available during the 1965-crop season by underplanting or failure to plant proportionate share acreage on farms in any county shall be reported to the ASC State Committee. Acreages, released and so reported together with available acreages from unused set-asides or from other sources of unused acreage shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall be made prior to August 31, 1965.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1965 Sugarbeet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU–103 marked "revised." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.147.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.147.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Montana State Committee for the 1965 crop of sugarbeets.

Montana is divided into three areas. Informal relationships are maintained with grower and processor representatives. In establishing proportionate shares for old-producer farms, the factors of "past production" and "ability to produce" sugarbeets are measured by a formula which gives a 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and a 70 percent weighting to the 1964 crop accredited acreage.

Farm shares for new producers are established as provided in § 850.147. Twenty-acre shares are determined to be minimum economic units for new-producer farms.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals, are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: September 7, 1965.

J. VIOLA HERAK,
Chairman, Agricultural Stabilization and Conservation, Montana State Committee.

Approved: October 12, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65–11136; Filed, Oct. 15, 1965; 8:47 a.m.]

[§ 850.147, as amended; Supp. 10]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Illinois Farm Proportionate Shares for 1965 Crop

Pursuant to the provisions of § 850.147 (29 F.R. 14620, 15801, 17029), the Agricultural Stabilization and Conservation Illinois State Committee has issued the bases and procedures for establishing individual farm shares for the 1965 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Illinois. Copies of these bases and procedures are available for public inspection at the office of such committee at Room 232, U.S. Post Office and Courthouse, Springfield, Ill., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Illinois. These bases and procedures incorporate the following:

§ 850.157 Illinois.

(a) *Proportionate share areas.* In the establishment of individual shares the State shall be deemed to be one allotment area.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from the State acreage allocations as follows: 15 acres for new producers and 6 acres for appeals and adjustments.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASC County Office on Form SU–100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.147. If a preliminary request for a tentative farm share is filed, as provided in § 850.147, a fully-completed Form SU–100 shall be filed by May 19, 1965. However, requests for shares may be accepted after such dates and shares may be established if the State Committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of illness or other reasons beyond his control, and provided further, that requests may be accepted generally by the State Committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms—(1) Farm bases.* For each old producer farm, a farm base shall be determined on the basis of a formula giving 30 percent weighting to the average of the history record of the farm for the crop years 1962 and 1963 and 70 percent weighting to such record for the 1964-crop year.

(2) *Initial proportionate shares.* The total of individual farm bases for old-producer farms, as established pursuant to this paragraph, exceeds the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases by prorating to the farms in accordance with their respective bases, but not in excess of their requests, the area allotment less such set-asides. The proration factor for the area is 0.9234.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers, shares shall be established in an equitable manner for farms to be operated during the 1965-crop year by new producers. The State Committee has determined a 5 acre share to be the minimum acreage which is economically feasible to plant as a new-producer farm share. No distribution of the acreage set aside for new producers will be made to individual counties or groups of counties. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee subject to

review by the State Committee, by taking into consideration availability and suitability of land, area of available fields, adequacy of drainage, production and marketing facilities and the production experience of the operator, shall rate each farm as provided in § 850.147(k). The State Committee shall establish new-producer shares as provided therein.

(f) *Adjustments and appeals.* Within the acreage available from the set-aside for adjustments and appeals, and from any acreage of initial shares in excess of requested acreages, adjustments may be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the State by taking into consideration availability and suitability of land, area of available fields, crop rotation, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Such acreage shall also be used to make adjustments in shares under appeals to establish fair and equitable shares in accordance with the provisions of § 891.1 of this chapter applicable to appeals.

(g) *Adjustments because of unused or unallotted acreage.* Any acreage made available during the 1965-crop season by underplanting or failure to plant proportionate share acreage on farms in any county shall be reported to the ASC State Committee. Acreages released and so reported, together with available acreages from unused set-asides or from other sources of unused acreage shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall be made prior to August 31, 1965.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1965 Sugarbeet Crop. In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU-103-B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.147.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.147.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Illinois State Committee for determining farm shares in Illinois for the 1965 crop of sugarbeets.

Illinois constitutes one proportionate share area. Informal relationship are maintained with grower and processor representatives. In establishing shares for old-producer farms, the factors of "past production" and "ability to produce" sugarbeets are measured by applying a formula to the acreage records for the farm for the crop years 1962–1964. Farm shares for new producers are established as provided in § 850.147.

The bases and procedures for making adjustments in initial shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930 as amended; 7 U.S.C. 1131, 1132)

Dated: August 26, 1965.

EDWARD J. MEAGHER,
Chairman, Agricultural Stabilization and Conservation Illinois State Committee.

Approved: October 12, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65-11137; Filed, Oct. 15, 1965; 8:47 a.m.]

[§ 850.147, as amended; Supp. 19]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Texas Proportionate Share Areas and Farm Proportionate Shares for 1965 Crop

Pursuant to the provisions of § 850.147 (29 F.R. 14620, 15801, 17029), the Agricultural Stabilization and Conservation Texas State Committee has issued the bases and procedures for establishing individual farm shares for the 1965 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Texas. Copies of these bases and procedures are available for public inspection at the office of such Committee at the U.S.D.A. Building, College Station, Tex., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Texas. These bases and procedures incorporate the following:

§ 850.166 Texas.

(a) *Proportionate share areas.* Texas shall be divided into two proportionate share areas as served by beet sugar companies. These areas shall be designated Holly Area and Great Western Area. Acreage allotments of 5,118 and 1,217 acres respectively are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from the State acreage allocation as follows: 125 acres for new producers and 453 acres for appeals and adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASC County Office on Form SU-100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.147. If a preliminary request for a tentative farm share is filed, as provided in § 850.147, a fully completed Form SU-100 shall be filed by March 29, 1965. However, requests for shares may be accepted after such dates and shares may be established if the State Committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such dates because of illness or other reasons beyond his control, and provided further, that requests may be accepted generally by the State Committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* For each old-producer farm, the farm base shall be the higher of (i) the result of dividing by three the total of the accredited acreage record for the farm for the crop years 1962, 1963, and 1964, or (ii) the result of the application of a formula giving a 30 percent weighting to the average accredited acreage for the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the farm for the crop year 1964.

(2) *Initial proportionate shares.* The total of individual farm bases for old-producer farms in the Great Western Area, as established pursuant to this paragraph, is equal to the area allotment. Accordingly, initial proportionate shares shall be established from farm bases as follows: For farms for which respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the total of the initial shares established in accordance with the preceding part of this subparagraph (2). The proration factor for the area shall be 1.000. For the Holly Area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, exceeds the area allotment. Accordingly, initial shares shall be established from the farm bases by prorating to the farms in accordance with their respective bases,

but not in excess of their requests, the area allotment. The proration factor for the area shall be 0.9328.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers, shares shall be established in an equitable manner for farms to be operated during the 1965-crop year by new producers. The State Committee has determined that a 25-acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the State Committee, by taking into consideration availability and suitability of land, availability of irrigation water, the production experience of the operator, and the availability of production and marketing facilities, shall rate each farm as provided in § 850.147(k). New-producer shares were established for all applicants rated "outstanding".

(f) *Adjustments and appeals.* Within the acreage available from the set-aside for adjustments and appeals, and from any acreage of initial shares in excess of requested acreages, adjustments may be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the State by taking into consideration availability and suitability of land, area of available fields, crop rotation, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Such acreage shall also be used to make adjustments in shares under appeals to establish fair and equitable shares in accordance with the provisions of § 891.1 of this chapter applicable to appeals.

(g) *Adjustments because of unused or unallotted acreage.* Any acreage made available during the 1965-crop season by underplanting or failure to plant proportionate share acreage on farms in any county shall be reported to the ASC State Committee. Acreages released and so reported, together with available acreages from unused set-asides, from other sources of unused acreage shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall be made prior to September 1, 1965.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1965 Sugarbeet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals, or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU–103 marked "revised." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with or becomes a part of another farm or farms shall be redetermined as provided in § 850.147.

(j) *Farms receiving commitments of acreage from the national reserve.* Proportionate shares for farms receiving commitments of acreage from the national sugarbeet acreage reserve shall be established in accordance with the provisions of §§ 850.147 and 851.1 of this chapter.

(k) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.147.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Texas State Committee for determining farm proportionate shares in Texas for the 1965 crop of sugarbeets.

Advisory groups, including grower and processor representatives, are utilized. In establishing proportionate shares for old-producer farms, the factors of "past production" and "ability to produce" sugarbeets are measured by the higher of the accredited acreage record for the farm for the crop years 1962, 1963, and 1964 or the results of a formula giving a 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and a 70 percent weighting to the accredited acreage record for the crop year 1964.

Farm shares for new producers are established as provided in § 850.147. Twenty-five acre shares are determined to be minimum economic units for new-producer farms.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: August 24, 1965.

RALPH T. PRICE,
Chairman, Agricultural Stabilization and Conservation Texas State Committee.

Approved: October 1, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65–11138; Filed, Oct. 15, 1965; 8:48 a.m.]

[§ 850.147, as amended; Supp. 20]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

North Dakota Proportionate Share Areas and Farm Proportionate Shares for 1965 Crop

Pursuant to the provisions of § 850.147 (29 F.R. 14620, 15801, 17029), the Agricultural Stabilization and Conservation North Dakota State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm shares for the 1965 sugarbeet crop from acreage allocated and from any unused acreage redistributed to North Dakota. Copies of these bases and procedures are available for public inspection at the office of such Committee at 15 South 21st Street, Fargo, N. Dak., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of North Dakota. These bases and procedures incorporate the following:

§ 850.167 North Dakota.

(a) *Proportionate share areas.* North Dakota shall be divided into two proportionate share areas comprising the separate sugarbeet producing regions of the State, one of which is served by the American Crystal Sugar Co. and the other by the Holly Sugar Corp. These areas shall be designated the "Eastern Area" and the "Western Area," respectively. Acreage allotments of 41,555 and 6,908 acres, respectively are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Eastern Area—500 acres for new producers and 208 acres for appeals and adjustments in initial shares; Western Area—70 acres for new producers and 35 acres for appeals and adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASC County Office on Form SU–100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.147. If a preliminary request for a tentative farm share is filed, a fully-completed Form SU–100 shall be filed by March 29, 1965. However, requests for shares may be accepted after such dates and shares may be established if the State Committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of illness or other reasons beyond his control, and provided further, that requests may be accepted generally by the State Committee after such date

if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases*—(i) *Western area.* For each old-producer farm, a farm base shall be determined on the basis of a formula giving 30 percent weighting to the average accredited acreage for the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the farm for the crop year 1964.

(ii) *Eastern area.* The 1965-crop operator of an old-producer farm may request that the farm base for such farm be determined on such operator's personal accredited acreage record within the area for the crop years 1962, 1963, and 1964 or the accredited acreage record for the farm for such period. If the operator requests that the farm base be determined on the basis of the personal accredited acreage record, it shall be the result of a formula giving a 30 percent weighting to the average of such personal acreage record for the crop years 1962 and 1963 and 70 percent weighting to such record for the 1964 crop. If the operator requests that the farm base be determined on the basis of the accredited acreage record for the farm, it shall be the result of a formula giving 30 percent weighting to the average accredited acreage for the farm for the crop years 1962 and 1963 and 70 percent weighting to such record for the crop year 1964, except that the 1962–1964 accredited acreage record for the farm shall be limited to the landowner's share of the crops if a former tenant on such farm is given credit for personal history acquired on such farm during such three year period for the purpose of computing a share for another farm he will be operating in 1965. The landowner's share of sugarbeet acreage grown on cash rented land shall be deemed to be zero.

(2) *Initial proportionate shares.* For each proportionate share area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, exceeds the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases in each proportionate share area by prorating to the farms in accordance with their respective bases, but not in excess of their requests, the area allotment less such set-asides. The proration factor for each area shall be as follows: Eastern Area—0.9082 and Western Area—0.8390.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers in each proportionate share area, shares shall be established in an equitable manner for farms to be operated during the 1965-crop year by new producers. The State Committee has determined that a 50.0-acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share in the Eastern Area and 35.0 acres in the Western Area. Distribution of acreage for establishing new-producer shares will be made on the basis of an entire allotment area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the State Committee, by taking into consideration availability and suitability of land, availability of irrigation water (where irrigation is used), adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities, shall rate each farm as provided in § 850.147(k), and shall establish new-producer farm shares as provided therein.

(f) *Adjustments and appeals.* Within the acreage available from the set-aside for adjustments and appeals, and from any acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments may be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, crop rotation, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experence of the operator. Such acreage shall also be used to make adjustments in shares under appeals to establish fair and equitable shares in accordance with the provisions of § 891.1 of this chapter applicable to appeals.

(g) *Adjustments because of unused or unallotted acreage.* Any acreage made available prior to April 15, 1965, by underplanting or failure to plant proportionate share acreage on farms in any area may be distributed to other farms in the area wherein additional acreage may be used. Such distribution to be made prior to April 15, 1965. Any undistributed acreage and any additional acreage made available after April 15, 1965, may be distributed to other farms in the State wherein additional acreage may be used. All such distribution shall be made prior to August 16, 1965.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1965 Sugarbeet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU–103 marked "revised." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.147.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.147.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation North Dakota State Committee for determining farm proportionate shares in North Dakota.

North Dakota is divided into two areas. Informal relationships are maintained with grower and processor representatives. In establishing a proportionate share for an old producer farm, the factors of "past production" and "ability to produce" sugarbeets, in the Western Area, are measured by applying a formula to the 1962–1964 acreage history of the farm. In the Eastern Area, such factors are measured by applying a formula to the 1962–1964 personal accredited acreage record of the operator of the farm or to the accredited acreage record for the farm for such three year period, whichever is the more favorable.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: August 26, 1965.

HAROLD A. BLUME,
Chairman, Agricultural Stabilization and Conservation North Dakota State Committee.

Approved: October 1, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65–11139; Filed, Oct. 15, 1965; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 142]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.442 Valencia Orange Regulation 142.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and des-

ignated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 14, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 17, 1965, and ending at 12:01 a.m., P.s.t., October 24, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 550,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 15, 1965.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–11209; Filed, Oct. 15, 1965; 11:25 a.m.]

[Lemon Reg. 183]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.483 Lemon Regulation 183.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 12, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 17, 1965, and ending at 12:01 a.m., P.s.t., October 24, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 148,800 cartons;

(iii) District 3: 59,815 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 14, 1965.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–11152; Filed, Oct. 15, 1965; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[CCC Grain Price Support Regs., 1965-Crop Grain Sorghum Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965-Crop Grain Sorghum Loan and Purchase Program

SUPPORT RATES

Correction

In F.R. Doc. 65–8813, appearing at page 10940 of the issue for Tuesday, August 24, 1965, the following correction is made in the tabular matter under Kansas: The rate per hundredweight entry for Hodgeman County should read "1.54" instead of "1.45".

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8–3—PROCUREMENT BY NEGOTIATION

PART 8–12—LABOR

Miscellaneous Amendments

1. Sections 8–3.101 and 8–3.211 are revised to read as follows:

§ 8–3.101 General requirements for negotiation.

(a) Contracts in excess of $2,500 or $1,000 for contracts made for repairs to

properties acquired under chapter 37, title 38, United States Code, will be entered into by negotiation only in the absence of any one or more of the elements essential to formal advertising set forth in § 8–2.102, or when:

(1) It is determined that the procurement should be effected from small business in accordance with FPR 1–1.7.

(2) It is determined that the procurement should be effected from labor surplus area concerns in accordance with FPR 1–1.8.

(3) Items to be purchased are for authorized resale.

(b) Proposed contracts for the purchase of a firm quantity of supplies or equipment, at a cost in excess of $200,000 are subject to the procedure set forth in § 8–2.407–1.

§ 8–3.211 Experimental, developmental, or research work.

(a) Information necessary to compile the report required by FPR 1–3.211(c) will be submitted by Contracting Officers to reach the Chief Medical Director (134C) within 15 work days after the period covered by the report.

(b) The Chief Medical Director (134C) will consolidate all data received and will submit the agency report to General Services Administration pursuant to FPR 1–3.211(c).

(c) Reports Control Symbol ME–20 has been assigned to the report required by paragraphs (a) and (b) of this section.

2. In § 8–12.805–4, paragraph (d) is amended and redesignated paragraphs (d) and (e) to read as follows:

§ 8–12.805–4 Compliance reports.

* * * * *

(d) The annual filing date on page 2 of Instructions, Standard Form 40 and 40–A is changed from March 31 to March 1 of each year.

(e) Standard Form 40, Compliance Report (Nondiscrimination Provisions of U.S. Government Contracts), for supply and architect-engineer contracts will be furnished by the Contracts Compliance Officer, from information furnished on VA Form 07–2140, Report of Contract Award. Standard Form 41, Compliance Report—Construction (Nondiscrimination Provisions of U.S. Government Contracts), will be furnished construction contractors by the Construction Contracting Officer or by the Chief, Supply or Business Services Division where station construction contracts are involved.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective 45 days following publication in the FEDERAL REGISTER but may be observed earlier.

Approved: October 11, 1965.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 65–11122; Filed, Oct. 15, 1965; 8:45 a.m.]

Chapter 9—Atomic Energy Commission

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

MISCELLANEOUS AMENDMENTS

§ 9–7.5004–4 [Amended]

In § 9–7.5004–4 *Nondiscrimination in employment*, the title is changed to *Equal opportunity*.

§ 9–7.5004–10 [Amended]

In § 9–7.5004–10 *Examination of records*, Note E: *Examination of records by AEC*, is deleted.

§ 9–7.5004–14 [Amended]

In § 9–7.5004–14 *Walsh-Healey Public Contracts Act*, the reference is changed from § 1–12.604 to § 1–12.605.

Section 9–7.5004–15 *Labor (construction contracts)*, is revised to read as follows:

§ 9–7.5004–15 Labor (construction contracts).

See § 1–16.901–19A.

Section 9–7.5004–20 *Renegotiation*, is revised to read as follows:

§ 9–7.5004–20 Renegotiation.

If this contract is subject to the Renegotiation Act of 1951, as amended, the following provisions shall apply:

(a) This contract is subject to the Renegotiation Act of 1951 (50 U.S.C. App. 1211, et seq.), as amended, and to any subsequent act of Congress providing for the renegotiation of contracts. Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of Congress heretofore or hereafter enacted. Subject to the foregoing, this contract shall be deemed to contain all the provisions required by section 104 of the Renegotiation Act of 1951, and by any such other act, without subsequent contract amendment specifically incorporating such provisions.

(b) The contractor agrees to insert the provisions of this clause, including this paragraph (b), in all subcontracts, as that term is defined in section 103 g. of the Renegotiation Act of 1951, as amended.

§ 9–7.5004–22 [Amended]

In § 9–7.5004–22 *Disclosure of information*, Note A is revised to read as follows:

NOTE A: This clause should be used in place of the clause set forth in § 9–7.5004–21 in contracts for off-site research that are not likely to produce Restricted Data or other classified information.

§ 9–7.5006–1 [Amended]

In § 9–7.5006–1 *Accounts, records and inspection (CPFF)*, in both paragraphs (d), *Disposition of records*, 4th line from bottom, "six (6)" is changed to "three (3)".

§ 9–7.5006–9 [Amended]

In § 9–7.5006–9 *Allowable costs and fixed fee (CPFF operating and construction contracts)*, in paragraph (d)(3), "paragraph (e)(27)" is changed to "paragraph (e)(26)".

In § 9–7.5006–9 *Allowable costs and fixed fee (CPFF operating and construction contracts)*, paragraph (e) *Examples of items of unallowable costs*, subparagraph (24) is amended and new subparagraph (28) is added, as follows:

§ 9–7.5006–9 Allowable costs and fixed fee (CPFF operating and construction contracts).

* * * * *

(e) *Examples of items of unallowable costs.* * * *

(24) Taxes, fees and charges in connection with financing, refinancing, or refunding operations, including the listing of securities on exchanges; taxes which are paid contrary to the clause entitled "State and Local Taxes"; taxes on net income and excess profits; and special assessments on land which represent capital improvement.

* * * * *

(28) Special construction industry "funds" financed by employer contributions for such purposes as methods and materials research, public and industry relations, market development, and disaster relief, except as specifically provided elsewhere in this contract.

The following sections are added:

§ 9–7.5006–53 Soviet-Bloc controls (Unclassified Research Contracts with Educational Institutions).

In connection with the contract activities, the Contractor agrees to comply with the requirements set forth in Attachment_____ of this contract relating to the countries listed therein. From time to time, by written notice to the Contractor, the Commission shall have the right to change the listing of countries in Attachment _____ upon a determination by the Commission that such change is in conformance with national policy. The Contractor shall have the right to terminate its performance under this contract upon at least sixty (60) days' prior written notice to the Commission if the Contractor determines that it is unable, without substantially interfering with its policies as an educational institution or without adversely affecting its performance, to continue performance of the work under this contract as a result of a change in Attachment_____made by the Commission pursuant to the preceding sentence. If the Contractor elects to terminate performance, the provisions of this contract respecting termination for the convenience of the Government shall apply.

§ 9–7.5006–54 Controls in the national interest (Unclassified Research Contracts with Educational Institutions).

The Contractor agrees to comply with the requirements of the Commission specified in Attachment _____ to this contract, and to such other Commission requirements of the same general nature as the parties may agree to from time to time; these requirements relate to unclassified work, and they shall not be construed to limit or affect in any way the Contractor's obligation to conform to all security regulations and requirements of the Commission pertaining to classified work.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative

Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective Date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 11th day of October 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65-11065; Filed, Oct. 15, 1965; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-18—ACQUISITION OF REAL PROPERTY

Subpart 101-18.1—Acquisition by Lease

SPECIAL PURPOSE SPACE

Delegation to Department of Agriculture to lease certain quarantine facilities, and employee housing.

Subpart 101-18.1 is amended by adding two new subparagraphs to § 101-18.106-1(a), as follows:

§ 101-18.106-1 List of special purpose space.

(a) Department of Agriculture:

* * * * *

(10) Plant, bird, and animal quarantine facilities.

(11) Housing.

* * * * *

(205(c) 63 Stat. 390, 40 U.S.C. 486(c))

Effective date. This regulation is effective when published in the FEDERAL REGISTER.

Dated: October 8, 1965.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 65-11079; Filed, Oct. 15, 1965; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal Migratory Game Bird Regulations to and including establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge area.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

The public hunting of woodcock, common (Wilson's) snipe, ducks, and coots on the Iroquois National Wildlife Refuge, N.Y., is permitted on the area designated by signs as open to hunting. This open area comprising 4,238 acres is delineated on maps available at the refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass., 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of woodcock, snipe, ducks, and coots subject to the following special conditions:

(1) Woodcock and snipe may be hunted during the period from October 4 through November 13, 1965, inclusive, except Sundays.

(2) Ducks and coots may be hunted from sunrise until 12 noon on each Monday, Tuesday, Thursday, Friday, and Saturday during the period from October 16 through November 13, 1965, inclusive.

(3) Hunting ducks and coots is permitted only from designated hunting stands.

(4) A permit is required to hunt ducks and coots. A daily permit may be obtained by applying in person at the New York State Conservation Department's Permit Station on the Oak Orchard Game Management Area on the days when hunting is permitted.

(5) All ducks killed on the refuge must be checked out at the permit station on the Oak Orchard Game Management Area. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 13, 1965.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 6, 1965.

[F.R. Doc. 65-11082; Filed, Oct. 15, 1965; 8:45 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Iroquois National Wildlife Refuge, Basom, N.Y., is permitted from October 4 through November 13, 1965, inclusive, on the area known as the Upland Game Bird Hunting Area and designated by signs as open to hunting, and from December 8, 1965, through February 28, 1966, inclusive, on the entire refuge except those areas posted as closed. The Upland Game Bird Hunting Area, comprising 4,238 acres, and other open areas comprising 6,462 acres are delineated on a map available at Refuge Headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass., 02109.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Ruffed grouse may be hunted only on the Upland Game Bird Hunting Area.

(2) The refuge shall be closed to hunting on Sundays. The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1966.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 11, 1965.

[F.R. Doc. 65-11081; Filed, Oct. 15, 1965; 8:45 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Iroquois National Wildlife Refuge, N.Y., is permitted from November 1 through December 7, 1965, except on areas designated by signs as closed. This open area comprising 10,700 acres is delineated on maps available at refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass., 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) The refuge shall be closed to hunting on Sundays.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 7, 1965.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 29, 1965.

[F.R. Doc. 65-11080; Filed, Oct. 15, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

BURLEY TOBACCO

Notice of Determinations To Be Made on Acreage and Acreage-Poundage Bases for 1966–67 Marketing Year

Pursuant to the Agricultural Adjustment Act of 1938, as amended, and as further amended through the addition of section 317 by Public Law 89–12, approved April 12, 1965 (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary is preparing (1) to (a) determine and announce the national marketing quota on an acreage basis for burley tobacco for the 1966–67 marketing year, (b) apportion such quota, less reserve for new farms, among the several States, and (c) convert the State quotas into State acreage allotments, and (2) to determine and announce for burley tobacco for the 1966–67 marketing year (a) the amount of the national marketing quota on an acreage-poundage basis, (b) the national average yield goal, (c) the national acreage allotment, (d) the reserve from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, (3) to determine and announce for burley tobacco community average yields, (4) to conduct within 45 days after the effective date of the announcement of the national marketing quota, national average yield goal, and national acreage allotment, with respect to burley tobacco, a special referendum of farmers engaged in the 1965 production of burley tobacco to determine whether they favor the establishment of marketing quotas on an acreage-poundage basis, as provided in section 317 of the Act, for the 1966–67, 1967–68 and 1968–69 marketing years, and (5) to issue regulations for the determination of farm acreage allotments and farm marketing quotas for burley tobacco for the 1966–67 marketing year under the provisions of section 317 of the Act. Growers of burley tobacco approved quotas on an acreage basis for the 1965–66, 1966–67 and 1967–68 marketing years for burley tobacco (30 F.R. 4313).

Subsection 312(b) of the Act (7 U.S.C. 1312(b)) requires that the Secretary determine and announce, not later than the first day of February 1966 the amount of the national marketing quota for burley tobacco which is in effect for the 1966–67 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of burley tobacco equal to the reserve supply level. Subsection 312(b) provides further that the amount of the 1966–67 national marketing quota (determined pursuant to such subsection) may, not later than March 1, 1966, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of (burley) tobacco for any marketing year as the carry-over at the beginning of the marketing year plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1313(a)) requires the Secretary to apportion the national marketing quota, determined pursuant to section 312(b) of the Act, less the amount to be allotted under subsection (c) of section 313 for small farms and "new" farms, among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed (announced) (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make corrections for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period.

The Act (7 U.S.C. 1313(g)) provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent year shall not be taken into account in establishing State and farm acreage allotments.

Section 377 of the Act (7 U.S.C. 1377) reads as follows:

> In any case in which, during any year beginning with 1956, the acreage planted to a commodity on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm (excluding any allotment released from the farm or reapportioned to the farm and any allotment provided for the farm pursuant to subsection (f)(7)(A) of section 344), shall, except as provided herein, be considered for the purpose of establishing future State, county and farm acreage allotments to have been planted to such commodity in such year on such farm, but the 1956 acreage allotment of any commodity shall be regarded as planted under this section only if the owner or operator on such farm notified the county committee prior to the sixtieth day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment: *Provided*, That beginning with the 1960 crop, except for Federally-owned land, the current farm acreage allotment established for a commodity shall not be preserved as history acreage pursuant to the provisions of this section unless for the current year or either of the two preceding years an acreage equal to 75 per centum or more of the farm acreage allotment for such year was actually planted or devoted to the commodity on the farm (or was regarded as planted under provisions of the Soil Bank or the Great Plains program): *Provided further*, That this section shall not be applicable in any case, within the period 1956 to 1959, in which the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted. Acreage history credits for released or reapportioned acreage shall be governed by the applicable provisions of this title pertaining to the release and reapportionment of acreage allotments.

Section 378 of the Act (7 U.S.C. 1378) provides that allotment acreage pooled under the provisions of such section shall be considered fully planted, during the time it is in the pool within the period of eligibility, for purposes of future State, county and farm allotments.

The Soil Bank Act (7 U.S.C. 1801 et seq.) provides that the acreage withdrawn or diverted from the production of tobacco under the acreage reserve program and conservation reserve program shall for allotment purposes be considered devoted to the production of tobacco.

The Soil Bank Act also provides that insofar as the acreage of cropland on a farm covered by a Great Plains or conservation reserve contract enters into the determination of acreage allotments and marketing quotas, such cropland shall not be decreased during the period of the contract by reason of any action taken for the purpose of carrying out the contract. After expiration of such a contract, such law provides that the cropland shall not be decreased, for a period equal to the period of the contract, by reason of the maintenance of any change in land use from cropland to

permanent vegetation carried out under the contract. Allotment history acreages are given similar protection for purposes of establishing future allotments.

Pursuant to section 16(e)(6) of the Soil Conservation and Domestic Allotment Act, protection of allotment crop history and cropland status similar to that given under the Soil Bank Act is given to land covered by a cropland conversion agreement.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

Subsection 317(a) of the Act contains, for the purposes of section 317, the following definitions:

1. "National marketing quota" for any kind of tobacco for a marketing year means the amount of the kind of tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 per centum of such estimated utilization and exports.

2. "National average yield goal" for any kind of tobacco means the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant.

3. "National acreage allotment" means the acreage determined by dividing the national marketing quota by the national average yield goal.

4. "Farm acreage allotment" for a tobacco farm, other than a new tobacco farm, means the acreage allotment determined by adjusting uniformly the acreage allotment established for such farm for the immediately preceding year, prior to any increase or decrease in such allotment due to undermarketings or overmarketings and prior to any reduction under subsection (f), so that the total of all allotments is equal to the national acreage allotment less the reserve provided in subsection (e) of this section with a further downward or upward adjustment to reflect any adjustment in the farm marketing quota for overmarketing or undermarketing and to reflect any reduction required under subsection (f) of this section, and including any adjustment for errors or inequities from the reserve. In determining farm acreage allotments for Flue-cured tobacco for 1965, the 1965 farm allotment determined under section 313 shall be adjusted in lieu of the acreage allotment for the immediately preceding year.

5. The "community average yield" means for Flue-cured tobacco the average yield per acre in the community designated by the Secretary as a local administrative area under the provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, which is determined by averaging the yields per acre for the three highest years of the five years 1959 to 1963, inclusive, except that if the yield for any of the three highest years is less than 80 per centum of the average for the three years then that year or years shall be eliminated and the average of the remaining years shall be the community average yield. Community average yields for other kinds of tobacco shall be determined in like manner, except that the five years 1960 to 1964, inclusive, may be used instead of the period 1959 to 1963, as determined by the Secretary.

6. (A) "Preliminary farm yield" for Flue-cured tobacco means a farm yield per acre determined by averaging the yield per acre for the three highest years of the five consecutive crop years beginning with the 1959 crop year except that if that average exceeds 120 per centum of the community average yield the preliminary farm yield shall be the sum of 50 per centum of the average of the three highest years and 50 per centum of the national average yield goal but not less than 120 per centum of the community average yield, and if the average of the three highest years is less than 80 per centum of the community average yield the preliminary farm yield shall be 80 per centum of the community average yield. In counties where less than five hundred acres of Flue-cured tobacco were allotted for 1964, the county may be considered as one community. If Flue-cured tobacco was not produced on the farm for at least three years of the five-year period the average of the yields for the years in which tobacco was produced shall be used instead of the three-year average. If no Flue-cured tobacco was produced on the farm in the five-year period but the farm is eligible for an allotment because Flue-cured tobacco was considered to have been produced under applicable provisions of law, a preliminary farm yield for the farm shall be determined under regulations of the Secretary taking into account preliminary farm yields of similar farms in the community.

(B) "Preliminary farm yield" for kinds of tobacco, other than Flue-cured, means a farm yield per acre determined in accordance with subparagraph (A) of this paragraph (6) except that in lieu of the five consecutive crop years beginning with 1959 the years 1960 to 1964, inclusive, may be used, as determined by the Secretary. In counties where less than five hundred acres of the kind of tobacco for which the determination is being made were allotted in the last year of the five-year period the county may be considered as one community. If tobacco of the kind for which the determination is being made was not produced on the farm for at least three years of the five-year period, the average of the yields for the years in which the kind of tobacco was produced shall be used instead of the three-year average. If no tobacco of the kind for which the determination is being made was produced on the farm in the five-year period but the farm is eligible for an allotment because such tobacco was considered to have been produced under applicable provisions of law, a preliminary farm yield for the farm shall be determined under regulations of the Secretary taking into account preliminary farm yields of similar farms in the community.

7. "Farm yield" means the yield of tobacco per acre for a farm determined by multiplying the preliminary farm yield by a national yield factor which shall be obtained by dividing the national average yield goal by a weighted national average yield computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined pursuant to paragraph (4) for the farm prior to adjustments for overmarketing, undermarketing, or reductions required under subsection (f) and dividing the sum of the products by the national acreage allotment.

8. "Farm marketing quota" for any farm for any marketing year shall be the number of pounds of tobacco obtained by multiplying the farm yield by the acreage allotment prior to any adjustment for undermarketing or overmarketing, increased for undermarketing or decreased for overmarketing by the number of pounds by which marketings of tobacco from the farm during the immediately preceding marketing year, if marketing quotas were in effect under the program established by this section, is less than or exceeds the farm marketing quota for such year: *Provided*, That the farm marketing quota for any marketing year shall not be increased for undermarketing by an amount in excess of the number of pounds determined by multiplying the acreage allotment for the farm for the immediately preceding year prior to any increase or decrease for undermarketing or overmarketing by the farm yield. If on account of excess marketings in the preceding marketing year the farm marketing quota for the marketing year is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made for the subsequent marketing year or years. The farm marketing quota will be increased or decreased for the second succeeding marketing year in the case of Maryland tobacco, and for any other kind of tobacco for which the Secretary determines it is impracticable because of the lack of adequate marketing data, to make the increases or decreases applicable to the immediately succeeding marketing year.

Subsection 317(c) of the Act provides that whenever, during the first or second marketing year of the three-year period for which marketing quotas on an acreage basis are in effect for any kind of tobacco, including Flue-cured tobacco, the Secretary, in his discretion, determines with respect to that kind of tobacco that acreage-poundage quotas under this section would result in a more effective marketing quota program for that kind of tobacco he shall at the time the next announcement of the amount of the national marketing quota under section 312 (b) of this Act determine and announce the amount of the national quota for that kind of tobacco under this section of the Act and at the same time announce the national acreage allotment and national average yield goal and within forty-five days thereafter conduct a special referendum of farmers engaged in the production of the kind of tobacco of the most recent crop to determine whether they favor the establishment of marketing quotas on an acreage-poundage basis as provided in this section for the next three marketing years: *Provided, however,* That the Secretary shall not make any such determination with respect to any kind of tobacco except Flue-cured tobacco unless prior thereto he shall conduct public hearings in the areas where such tobacco is produced for the purpose of ascertaining and taking into consideration the attitudes of producers and other interested persons with respect to acreage-poundage quotas. If the Secretary determines that more than 66⅔ per centum of the farmers voting in the special referendum approve marketing quotas on an acreage-poundage basis as provided in this section, quotas on that basis shall be in effect for the next three marketing years and the marketing quotas on an

acreage basis shall cease to be in effect at the beginning of such three-year period. If marketing quotas on an acreage-poundage basis are not approved by more than 66⅔ per centum of the farmers voting in such referendum, the marketing quotas on an acreage basis shall continue in effect as theretofore proclaimed under section 312(a).

Subsection 317(d) of the Act requires that notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by the referendum insofar as practicable shall be mailed to the farm operator at least 15 days prior to the holding of any special referendum under subsection 317(c).

Subsection 317(e) of the Act provides that (1) no farm acreage allotment or farm yield shall be established for a farm on which no tobacco was produced or considered produced under applicable provisions of law for the immediately preceding five years, (2) for each marketing year for which acreage-poundage quotas are in effect under this section the Secretary in his discretion may establish a reserve from the national acreage allotment in an amount equivalent to not more than 1 per centum of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which tobacco was not produced or considered produced during the immediately preceding five years, (3) the part of the reserve held for apportionment to new farms shall be allotted on the basis of land, labor, and equipment available for the production of tobacco, crop rotation practices, soil and other physical factors affecting the production of tobacco and the past tobacco-producing experience of the farm operator, and (4) the farm yield for any farm for which a new farm acreage allotment is established shall be determined on the basis of available productivity data for the land involved and farm yields for similar farms, and shall not exceed the community average yield.

Subsection 317(f) provides that only the provisions of the last two sentences of subsection (g) of section 313 of this Act shall apply with respect to acreage-poundage programs established under section 317. The acreage reductions required under the last two sentences shall be in addition to any other adjustments made pursuant to section 317, and when acreage reductions are made the farm marketing quota shall be reduced to reflect such reductions. The provisions of the next to the last sentence of such subsection 313(g) pertaining to the filing of any false report with respect to the acreage of tobacco grown on the farm shall also be applicable to the filing of any false report with respect to the production or marketings of tobacco grown on a farm for which an acreage allotment and a farm yield are established as provided in section 317. In establishing acreage allotments and farm yields for other farms owned by the owner displaced by acquisition of his land by any agency, as provided in section 378 of this Act, increases or decreases in such acreage allotments and farm yields as provided in section 317, shall be made on account of marketings below or in excess of the farm marketing quota for the farm acquired by the agency.

The subjects and issues involved in the proposed determinations are:

1. The amount of the national marketing quota on an acreage basis, for the 1966–67 marketing year.

2. The apportionment of the national marketing quota (less reserve for new farms) on an acreage basis among the several States and conversion of the State quotas into State acreage allotments for the 1966–67 marketing year.

3. The amount of the national marketing quota on an acreage basis to be reserved for new farms (it is not contemplated that any reserve from the national quota will be reserved for further increases in allotments for small farms under section 313(c)) for the 1966–67 marketing year.

4. The amount of the national marketing quota on an acreage-poundage basis for the 1966–67 marketing year.

5. The amount of the national average yield goal.

6. The amount of the national acreage allotment.

7. The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms.

8. The amount of the yield per acre of community average yields.

9. Date of the special referendum on acreage-poundage quotas.

10. The provisions of regulations for determining farm acreage allotments and farm marketing quotas on an acreage-poundage basis under section 317 of the Act, and conducting the special referendum.

Consideration will be given to data, views and recommendations pertaining to the proposed determinations, rules and regulations covered by this notice which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250. All written submissions made pursuant to the notice will be made available for public inspection at such times and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must be postmarked not later than 60 days from the date of filing of this notice with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 12, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-11085; Filed, Oct. 15, 1965; 8:45 a.m.]

[7 CFR Part 724]

TOBACCO, BURLEY ET AL.

Determinations To Be Made Regarding Marketing Quotas on Acreage Basis for Marketing Years 1966–1969

Notice of determinations to be made with respect to tobacco marketing quotas for (1) Fire-cured (type 21), Fire-cured (types 22, 23 and 24), Dark Air-cured, and Virginia Sun-cured tobacco on an acreage basis for the 1966–67 marketing year, and (2) Maryland, Cigar-Binder (types 51 and 52), and Cigar-Filler and Binder (types 42, 43, 44, 53, 54 and 55) tobacco on an acreage basis for the 1966–67, 1967–68, and 1968–69 marketing years.

Pursuant to the Agricultural Adjustment Act of 1938, as amended, and as further amended through the addition of section 317 by Public Law 89–12, approved April 12, 1965 (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary is preparing (1) to (a) determine and announce the respective national marketing quotas on an acreage basis for Fire-cured (type 21), Fire-cured (types 22, 23 and 24), Dark Air-cured, and Virginia Sun-cured tobacco for the 1966–67 marketing year, (b) apportion such quotas, less reserves for new farms, among the several States, and (c) convert the State quotas into State acreage allotments, and (2) to (a) proclaim national marketing quotas on an acreage basis for Maryland, Cigar-Binder (types 51 and 52), and Cigar-Filler and Binder (types 42, 43, 44, 53, 54 and 55) tobacco, for the 1966–67, 1967–68, and 1968–69 marketing years, (b) determine and announce the respective national marketing quotas on an acreage basis for each of such kinds of tobacco for the 1966–67 marketing year, (c) apportion such quotas, less reserves for new farms, among the several States, (d) convert the State quotas into State acreage allotments, and (e) conduct within 30 days after the effective date of the proclamation and announcement of such national marketing quota, with respect to each of such three kinds of tobacco, a referendum of farmers engaged in the 1965 production of each such respective kind of tobacco to determine whether they favor or oppose marketing quotas on an acreage basis for the 1966–67, 1967–68, and 1968–69 marketing years.

Growers approved quotas for the 1965–66, 1966–67, and 1967–68 marketing years for Virginia Sun-cured tobacco (30 F.R. 4313); growers approved quotas for the 1964–65, 1965–66, and 1966–67 marketing years for Fire-cured tobacco and Dark Air-cured tobacco (29 F.R. 3697). Growers approved quotas for the 1963–64, 1964–65, and 1965–66 marketing years for Maryland tobacco (28 F.R. 2526); growers approved quotas for Cigar-binder (types 51 and 52) and for Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1963–64, 1964–65, and 1965–66 marketing years (28 F.R. 2888).

The Act (7 U.S.C. 1312(a)) provides that the Secretary shall proclaim not later than February 1 (of any marketing year), with respect to these kinds of tobacco, a national marketing quota for any of such kinds of tobacco for each of the next 3 succeeding marketing years whenever he determines with respect to such kind of tobacco—

(1) That a national marketing quota has not previously been proclaimed and the total supply as of the beginning of such marketing year exceeds the reserve supply level therefor;

(2) That such marketing year is the last year of 3 consecutive years for which marketing quotas previously proclaimed will be in effect;

(3) That amendments have been made in provisions for establishing farm acreage allotments which will cause material revision of such allotments before the end of the period for which quotas are in effect; or

(4) That a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers: *Provided,* That if such producers have disapproved national marketing quotas for 3 successive years subsequent to 1952, thereafter a national marketing quota shall not be proclaimed hereunder which would be in effect for any marketing year within the 3-year period for which national marketing quotas previously proclaimed were disapproved by producers, unless prior to November 10 of the marketing year one-fourth or more of the farmers engaged in the production of the crop of tobacco harvested in the calendar year in which such marketing year begins petition the Secretary, in accordance with such regulations as he may prescribe, to proclaim a national marketing quota for each of the next three succeeding marketing years.

The 1965–66 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for Maryland tobacco, for Cigar-Binder (types 51 and 52) tobacco, and for Cigar-Filler and Binder (types 42, 43, 44, 53, 54 and 55) tobacco.

Subsection 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13 and 14;

Fire-cured tobacco, comprising type 21;

Fire-cured tobacco, comprising types 22, 23 and 24;

Dark Air-cured tobacco, comprising types 35 and 36;

Virginia Sun-cured tobacco, comprising type 37;

Burley tobacco, comprising type 31;

Maryland tobacco, comprising type 32;

Cigar-Filler and Cigar-Binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54 and 55; and

Cigar-Filler tobacco, comprising type 41.

Subsection 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of the Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 F.R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Pursuant to such authority, the Secretary has also determined (22 F.R. 367) that Cigar-Binder (types 51 and 52) tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports.

Subsection 312(b) of the Act (7 U.S.C. 1312(b)) requires that the Secretary shall determine and announce, not later than the first day of February 1966 with respect to Fire-cured (type 21), Fire-cured (types 22, 23 and 24), Dark Air-cured, Virginia Sun-cured, Maryland Cigar-Binder (types 51 and 52), and Cigar-Filler and Binder (types 42, 43, 44, 53, 54 and 55) tobacco, the amount of the national marketing quota which is in effect for the 1966–67 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Subsection 312(b) provides further that the amount of the 1966–67 national marketing quota (determined pursuant to such subsection) may, not later than March 1, 1966, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of tobacco for any marketing year as the carryover at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1312(c)) requires that within 30 days after a national marketing quota is proclaimed under section 312(a) of the Act for the 1966–67, 1967–68, and 1968–69 marketing years for (1) Maryland tobacco, (2) Cigar-binder (types 51 and 52) tobacco and (3) Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco, the Secretary shall conduct referenda of farmers engaged in the production of the 1965 crops of Maryland tobacco, Cigar-binder (types 51 and 52) tobacco, and Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco, respectively, to determine whether such farmers are in favor of or opposed to quotas for the next 3 succeeding marketing years. If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose such quota, such results shall be proclaimed by the Secretary and the national marketing quota so proclaimed shall not be in effect but such results shall in no way affect or limit the subsequent proclamation and subsequent submission to a referendum, as otherwise provided in section 312 of the Act (7 U.S.C. 1312), of a national marketing quota.

The Act (7 U.S.C. 1313(a)) requires the Secretary to apportion the national marketing quota, determined pursuant to section 312(b) of the Act, less the amount to be allotted under subsection (c) of section 313 for small farms and "new" farms, among the several States on the basis of the total production in each State during the 5 calendar years immediately preceding the calendar year in which the quota is proclaimed (announced) (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make corrections for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such 5-year period.

The Act (7 U.S.C. 1313(g)) provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent year shall not be taken into account in establishing State and farm acreage allotments.

The Act (7 U.S.C. 1313(i)) provides that notwithstanding any other provision of the Act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under marketing quotas and acreage allotments established pursuant to section 313 would not be sufficient to provide an adequate supply for estimated market demands and carryover requirements for such type or types of tobacco, the Secretary shall increase the marketing

quotas and acreage allotments for farms producing such type or types of tobacco in the preceding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carryover requirements; the increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco; the additional production authorized by subsection 313(i) shall be in addition to the national marketing quota established pursuant to section 312 of the Act; the increase in acreage under subsection 313(i) shall not be considered in establishing future State or farm acreage allotments.

Section 377 of the Act (7 U.S.C. 1377) reads as follows:

> In any case in which, during any year beginning with 1956, the acreage planted to a commodity on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm (excluding any allotment released from the farm or reapportioned to the farm and any allotment provided for the farm pursuant to subsection (f)(7)(A) of section 344), shall, except as provided herein, be considered for the purpose of establishing future State, county and farm acreage allotments to have been planted to such commodity in such year on such farm, but the 1956 acreage allotment of any commodity shall be regarded as planted under this section only if the owner or operator on such farm notified the county committee prior to the 60th day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment: *Provided,* That beginning with the 1960 crop, except for federally owned land, the current farm acreage allotment established for a commodity shall not be preserved as history acreage pursuant to the provisions of this section unless for the current year or either of the 2 preceding years an acreage equal to 75 per centum or more of the farm acreage allotment for such year was actually planted or devoted to the commodity on the farm (or was regarded as planted under provisions of the Soil Bank or the Great Plains program): *Provided further,* That this section shall not be applicable in any case, within the period 1956 to 1959, in which the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted. Acreage history credits for released or reapportioned acreage shall be governed by the applicable provisions of this title pertaining to the release and reapportionment of acreage allotments.

Section 378 of the Act (7 U.S.C. 1378) provides that allotment acreage pooled under the provisions of such section shall be considered fully planted during the time it is in the pool within the period of eligibility, for purposes of future State, county, and farm allotments.

Acreage allotments for Maryland tobacco and for Cigar-Binder (types 51 and 52) tobacco may be leased under the terms and conditions contained in section 316 of the Act provided the authority contained in section 316 which expires with the 1965 crop year is extended by law to cover crop years subsequent to the 1965 crop year.

The Soil Bank Act (7 U.S.C. 1801 et seq.) provides that the acreage withdrawn or diverted from the production of tobacco under the acreage reserve program and conservation reserve program shall for allotment purposes be considered devoted to the production of tobacco.

The Soil Bank Act also provides that insofar as the acreage of cropland on a farm covered by a Great Plains or conservation reserve contract enters into the determination of acreage allotments and marketing quotas, such cropland shall not be decreased during the period of the contract by reason of any action taken for the purpose of carrying out the contract.

After expiration of such a contract, such law provides that the cropland shall not be decreased, for a period equal to the period of the contract, by reason of the maintenance of any change in land use from cropland to permanent vegetation carried out under the contract. Allotment history acreages are given similar protection for purposes of establishing future allotments.

Pursuant to Section 16(e)(6) of the Soil Conservation and Domestic Allotment Act, protection of allotment crop history and cropland status similar to that given under the Soil Bank Act is given to land covered by a cropland conversion agreement.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the 5 years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

The Secretary may, under subsection 317(c) of the Act, in his discretion, offer acreage-poundage quotas on Fire-cured (type 21), Fire-cured (types 22, 23, and 24), Dark Air-cured, and Virginia Sun-cured tobacco for 1966 if he determines that acreage-poundage quotas would result in a more effective marketing quota program than the present program on an acreage basis. The Secretary has not so determined, and does not contemplate offering acreage-poundage quotas on any of such three kinds of tobacco for 1966. There are no provisions under which acreage-poundage quotas may be offered on Maryland, Cigar-binder (types 51 and 52), or Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco for 1966.

The subjects and issues involved in the proposed determinations are:

1. The amount of the national marketing quota on an acreage basis for the 1966–67 marketing year.

2. The apportionment of the national marketing quota (less reserve for new farms) on an acreage basis among the several States and conversion of the State quotas into State acreage allotments for the 1966–67 marketing year.

3. The amount of the national marketing quota on an acreage basis to be reserved for new farms (it is not contemplated that any reserve from the national quota will be reserved for further increases in allotments for small farms under section 313(c)) for the 1966–67 marketing year.

4. The date(s) of the three referenda on quotas for the 1966–67, 1967–68, and 1968–69 marketing years on an acreage basis for Maryland tobacco, Cigar-binder (types 51 and 52) tobacco, and Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco.

5. Whether the Secretary should determine that any one or more of the types comprising a kind of tobacco should be treated as a separate kind of tobacco under subsection 301(b)(15) of the Act.

6. Whether the Secretary should take any action under section 313(i) of the Act.

7. Whether the Secretary should offer acreage-poundage quotas on Fire-cured (type 21), Fire-cured (types 22, 23 and 24), Dark Air-cured, or Virginia Sun-cured tobacco for 1966.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules and regulations covered by this notice which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250. All written submissions made pursuant to the notice will be made available for public inspection at such times and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must be postmarked not later than 60 days from the date of filing of this notice with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 14, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-11168; Filed, Oct. 14, 1965; 4:19 p.m.]

Consumer and Marketing Service

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment for the fiscal period ending July 31, 1966, hereinafter set forth, which were recommended by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR 971), herein referred to collectively as the order. The order regulates the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the

same, in quadruplicate, with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C., 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 971.206 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1965, through July 31, 1966, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate, will amount to $18,235.00.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one cent ($0.01) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 13, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–11140; Filed, Oct. 15, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 250]

[Docket No. 16563]

PASSENGER PRIORITIES AND OVERBOOKED FLIGHTS

Notice of Proposed Rule Making

OCTOBER 12, 1965.

Notice is hereby given that the Civil Aeronautics Board has under consideration certain amendments to Part 221 of the Economic Regulations which would require carriers to include in their passenger tariffs their practices and rules for determining passenger priorities applicable in instances where confirmed reservations exceed the capacity of the aircraft on a scheduled flight. The Board also has under consideration a proposed new Part 250 providing for notice and other requirements on overbooked flights. The new Part would require advance notice to passengers that they may be denied boarding on a flight for which the passengers have confirmed reserved space.

The principal features of the proposed amendment to Part 221 and the new Part 250 are set forth in the Explanatory Statement. The proposed amendment to Part 221 and the new Part 250 are set forth in the proposed rules. These regulations are proposed under the authority of sections 204(a), 403, 404, and 411 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, 760, and 769; 49 U.S.C. 1324, 1373, 1374, and 1381), and section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before December 1, 1965, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Evidence submitted by the carriers in the Overbooking Practices of Trunkline Carriers' Investigation, Docket 11683, and information received thereafter indicate that in each of the years 1963 and 1964 approximately 50,000 passengers with tickets for confirmed reserved space have been denied boarding. In the Overbooking proceeding, carriers are continuing to provide information, on a regular reporting basis, covering the instances of oversales. This information will serve to provide the Board with a standard of comparison for the remedial procedure instituted under the present tariff provision by which trunk carriers compensate passengers, with confirmed reservations, who are denied boarding.

However, the payment of compensation to passengers does not provide a satisfactory alternative to the carriers' obligation to reduce to the maximum extent practicable the inconveniences to travelers. The protection of the traveling public requires that carriers give passengers with reserved space an adequate and reasonably timely notice where, as a result of an overbooked condition and under priority rules, they would be denied boarding if all passengers with higher priority boarded the flight.

As announced in the Overbooking case, Order E–20859, May 25, 1964, a rule making proceeding will be instituted to prescribe the minimum obligations of carriers to provide the notice. It is proposed, for the protection of the traveling public and the guidance of the carriers that the Board, by regulation, require the passenger route carriers (other than helicopter operators) to give affected passengers, with confirmed reserved space, a reasonable notice of an overbooked condition prior to scheduled flight time. The period of 12 hours is proposed as an interval sufficiently in advance to be helpful to passengers who may attempt to make alternate or contingent travel arrangements.[1]

We have noted the extensive information supplied by the carriers in the Overbooking proceeding with respect to their past practices in dealing with overbookings, notice to passengers of such situations and the priority procedures observed by them when oversales result at flight departure time. While the carriers all accept the obligation to advise passengers of overbooked conditions at some time prior to departure, the procedures for giving notice are not regularized, uniform, or publicly available. Our proposal would provide the advantages of uniformity both to carriers and passengers for such practices.

But before carriers can provide a practicable method for notifying passengers in advance of scheduled departure time that an overbooked condition exists they must utilize rules and practices for determining priorities among the passengers. In giving notice the carriers would utilize such priority rules to determine which passengers with reserved space would be denied boarding if all passengers with higher priority boarded the flight. These priority rules and practices of the carriers shall not give or cause any undue or unreasonable preference or advantage to any person or subject any particular person to any unjust discrimination or any undue or unreasonable prejudice or disadvantage, and are to be filed as tariffs.

The proposed rule is designed to prevent unlawful discrimination and to insure that carriers adhere to their obligations to passengers. It does not condone or sanction intentional overbooking but is designed to discourage the use of deceptive practices and to reduce the injury or discomfort to passengers where the carrier fails to meet its reserved space commitments. The proposed provisions of § 250.5 impose on the carriers the affirmative obligation to take special precautions as flight time approaches.

The proposed rule would be applicable to all certificated passenger route carriers except helicopter operators.

Proposed rules. The Civil Aeronautics Board proposes to amend Part 221 of the Economic Regulations (14 CFR Part 221) as follows:

By amending § 221.38(a) by adding a new paragraph (7) as follows:

§ 221.38 Rules and regulations.

(a) *Contents.* * * *

(7) *Passenger boarding priorities.* With respect to carriers subject to Part

[1] It is not intended that the giving of the notice will have the effect of establishing the carrier's liability for the oversale penalty. To do so would, in effect, provide a negative economic incentive to the carrier to give the desired notice. On the other hand, we believe that the giving of the notice should not relieve the carrier from payment of such penalty to the customer who presents himself at the counter with a ticket and is denied passage. As a practical matter, few passengers are apt to go to the airport after notice just to collect a penalty payment. But if they should choose to do so, they should still be entitled to payment of the penalty in accordance with the tariff.

250, the criteria, rules and practices for determining which passengers with tickets for confirmed space on a specific scheduled flight are to be boarded on aircraft not able to accommodate all passengers with tickets for confirmed reserved space. The tariff shall contain a provision which clearly states that compliance by the carrier with the procedures provided by the tariff rule shall not be deemed to relieve the carrier of its liability, if any, to the passenger for not providing the confirmed reserved space.

* * * * *

The Civil Aeronautics Board also proposes to issue a new Part 250 (14 CFR Part 250) as follows:

PART 250—NOTICE AND OTHER REQUIREMENTS ON OVERBOOKED FLIGHTS

Sec.
250.1 Definitions.
250.2 Applicability.
250.3 Priority rules.
250.4 Passenger information.
250.5 Confirmation within 12 hours of flight time.
250.6 Notice.

§ 250.1 Definitions.

For the purposes of this part:

"Carrier" means air carrier, except a helicopter operator, holding a certificate issued by the Board pursuant to section 401(d) (1) and (2) of the Act, authorizing the transportation of persons.

"Overbooked condition" means that at a given time the confirmed and uncanceled reserved space for any class on an aircraft scheduled for a flight is in excess of available passenger seating capacity.

"Priority rules" means the carrier's rules and practices which it utilizes to select those passengers who are to be denied boarding on an aircraft which at scheduled flight time is in an overbooked condition.

§ 250.2 Applicability.

This part applies to all carriers as defined in § 250.1 but is limited in scope to flights or portions of flights originating in the United States, its territories or possessions, or where the flights originate outside the United States, with respect to any enplanements within the United States, its territories or possessions.

§ 250.3 Priority rules.

It shall be the duty of every carrier to establish priority rules and practices which shall not make, give or cause any undue or unreasonable preference or advantage to any particular person or subject any particular person to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever. Such rules shall state with such particularity and definiteness the order of priority of the described categories of passengers that the rules may be utilized to determine which overbooked passengers with confirmed reserved space would be denied boarding and passage on a flight if all passengers with higher priority board the flight.

NOTE: See § 221.38(a)(7), the tariff provisions for filing priority rules.

§ 250.4 Passenger information.

It shall be the duty of every carrier confirming reserved space on any flight to request the passenger to furnish information to enable the carrier to comply with the notice requirements of this Part. Passengers shall also be advised that they may obtain firm reservation and priority rule status information from the carrier by telephone, or by inquiry at the carrier's ticket office or at the airport at any time after 12 hours before scheduled flight time.

§ 250.5 Confirmation within 12 hours of flight time.

A carrier shall not on or after 12 hours before scheduled flight time (or on or after any earlier time it gives the notice provided for in this part) confirm on-line or off-line reserved space on flights except upon first determining that the flight is not or would not be in an overbooked condition.

§ 250.6 Notice.

(a) No later than 12 hours before scheduled flight time, with respect to a flight which is in an overbooked condition, the carrier shall (1) determine which overbooked passengers with confirmed space would, under the carrier's priority rules, be denied boarding if all passengers with higher priority boarded the flight, and (2) notify such overbooked passengers, in accordance with instructions received from such passengers, of their relative priority status and that they may be denied boarding.

(b) The requirement for giving notice to such overbooked passengers may be fulfilled as follows: Where the passenger has requested that he be notified in a particular manner, then by such means; where such information has not been given, then by the carrier in response to requests for information by telephone and at the carrier's ticket office and at the ticket or information counter at the airport.

(c) Compliance with the notice requirements of this Part shall not be deemed to relieve the carrier of its liability, if any, to the passenger for not providing the confirmed reserved space.

[F.R. Doc. 65-11067; Filed, Oct. 15, 1965; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6969]

AIRWORTHINESS DIRECTIVES

Beechcraft Model BAK-109 Air Conditioners

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to airplanes equipped with Beechcraft Model BAK-109 Air Conditioners. There have been failures of the compressor motor fans on the subject air conditioners. Such failures constitute a potential hazard to personnel since these units are installed in personnel compartments of airplanes and there is a possibility that the fan blades will not be contained within the air conditioner. Therefore, it is proposed to issue an AD that would require replacement of the original compressor motor fan with a new compressor motor fan in Beechcraft Model BAK-109 Air Conditioners.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 15, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BEECHCRAFT. Applies to all airplanes equipped with Model BAK-109 Air Conditioners.

Compliance required within the next 100 hours' time in service after the effective date of this AD unless already accomplished.

To prevent further failures of the compressor motor fan, replace the fan in accordance with Beech Service Bulletin No. 65-49 dated March 1965.

NOTE. The Beechcraft Model BAK-109 Air Conditioner is known to be installed in, but not limited to, Beech Models 18, 50, 65 Series, Douglas Model DC-3, Lockheed Model 18, Viscount Models 744, 745D, and 810 Series airplanes.

Issued in Washington, D.C., on October 11, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-11075; Filed, Oct. 15, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-EA-37]

CONTROL ZONES, TRANSITION AREAS AND CONTROL AREA EXTENSIONS

Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency on page 6793 of the FEDERAL REGISTER for May

19, 1965, published a notice of proposed rule making, Docket No. 64–EA–37. Since the proposal was published, the Schenectady County Airport ADF–2 approach procedure was modified and a new TVOR approach procedure authorized. The amended ADF–2 procedure will require additional control zone airspace. This additional control zone airspace will also provide protection for aircraft executing the TVOR approach procedure. Additionally, the Glens Falls control zone included the Lake George Airport where construction has not yet begun and the site is indefinite which justifies deleting this proposed airport from the criteria for the control zone.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Branch, Eastern Region.

Any data, or views presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, in view of the foregoing is deleting Items 3 and 4 of the notice of proposed rule making in Airspace Docket No. 64–EA–37 and inserting in lieu thereof:

3. *Schenectady, N.Y.*

Within a 5-mile radius of the center, 42°51'13" N., 73°55'48" W., of Schenectady County Airport, Schenectady, N.Y.; within 2 miles each side of the Glenville RBN 037° bearing extending from the 5-mile radius zone to 6 miles northeast of the RBN; within 2 miles each side of the centerline of Runway 28 extended from the 5-mile radius zone to 9 miles west of the end of the runway; and within 2 miles each side of the centerline of Runway 33 extended from the 5-mile radius zone to 5 miles northwest of the end of the runway, excluding that portion coinciding with the Albany, N.Y., Control Zone. This control zone is effective from 0600 to 2200 hours local time, daily.

4. *Glens Falls, N.Y.*

Within a 5-mile radius of the center, 43°20'32" N., 73°36'35" W., of Warren County Airport, Glens Falls, N.Y.; within 2 miles each side of the centerline of Runway 30 extended from the 5-mile radius zone to 11 miles west of the end of the runway; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 12 miles north of the end of the runway; and within 2 miles each side of the Glens Falls VOR 005° radial extending from the 5-mile radius zone to 12 miles north of the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on September 28, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65–11076; Filed, Oct. 15, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–PC–2]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the control zone at Kaneohe, Hawaii.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 4009, Honolulu, Hawaii, 96812. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Kaneohe control zone presently is designated as that airspace extending upward to 5,000 feet within a 5-mile radius of MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.). The ceiling of 5,000 feet originally was placed on this control zone due to the existence of a Naval Airspace Reservation at Kaneohe Bay. This Naval Airspace Reservation has been suspended. Therefore, the need for the 5,000 foot ceiling no longer exists.

In consideration of this, the Agency proposes to alter the control zone to read as that airspace within a 5-mile radius of MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.).

This amendment is proposed under sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on October 11, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–11077; Filed, Oct. 15, 1965; 8:45 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 61–WA–5]

RESTRICTED AREAS

Withdrawal of Notice of Proposed Rule Making

On February 4, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1098) stating that the Federal Aviation Agency was considering a proposal to amend Part 608 of the regulations of the Administrator (since recodified as Part 73) which would modify Restricted Area R–367 at Vieques Island, P.R. (since redesignated as restricted area R–7104). Supplemental notices were published in the FEDERAL REGISTER on March 24, 1961 (26 F.R. 2528), April 21, 1961 (26 F.R. 3441), May 16, 1961 (26 F.R. 4212), and June 22,

1961 (26 F.R. 5580), which extended the comment period of the notice.

Subsequent to the publication of the notice, and supplemental notices, it was determined by the Administrator that any modification of R-7104 would be contrary to the interests of national defense. Since this situation still exists, action on this matter is deferred indefinitely and the proposal contained in airspace docket No. 61-WA-5 is hereby withdrawn.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 11, 1965.

CHARLES W. CARMODY,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-11074; Filed, Oct. 15, 1965; 8:45 a.m.]

[14 CFR Part 159]

[Docket No. 6968; Notice 65-28]

SECURING OF UNATTENDED SMALL AIRCRAFT AT NATIONAL AND DULLES INTERNATIONAL AIRPORTS

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Part 159 of the Federal Aviation Regulations to require that all unattended small aircraft be secured against heavy wind by the person who parks the aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket and draft release numbers and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before December 15, 1965, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The purpose of this amendment is to prevent injury to persons and property which occurs when improperly secured, or unsecured, light aircraft are blown over during heavy or gusty wind conditions.

This amendment would specifically place the responsibility of securing an unattended aircraft on the person who parks it. Recent damage during thunderstorm activity at the airports has shown the need to resolve this question of responsibility. In the past, the fixed base operator has provided the service of inspecting the security of all aircraft parked in his area, when advance notice of imminent storm or high wind activity was given. It is expected that this service will continue. Occasionally however, advance warning does not allow sufficient time to conduct an adequate line check of all aircraft. This amendment would make it clear that the primary responsibility for securing an unattended light aircraft on the airport is with the person who parks it.

By referring to unattended aircraft in the proposed amendment, it is intended to exclude those aircraft which are temporarily parked for loading and unloading, or for fueling or other services, where the pilot or other qualified person remains in the near vicinity of the aircraft.

In consideration of the foregoing it is proposed to amend § 159.43 of Part 159 of the Federal Aviation Regulations by inserting the designation "(a)" at the beginning of the text thereof and by adding the following new paragraph:

(b) Each person who parks, and leaves unattended, a small aircraft at the airport in the open shall:

(1) In the case of an airplane, properly tie it down, chock its main landing wheels, and set its parking brake; and

(2) In the case of a rotorcraft, set the braking device and apply mooring blocks to all rotor blades.

This amendment is proposed under the authority of section 1602, Title 2, District of Columbia Code; section 2, Act of June 29, 1940, as amended 54 Stat. 686; section 4 of the Act of September 7, 1950, as amended 64 Stat. 770.

Issued in Washington, D.C., on October 11, 1965.

G. WARD HOBBS,
Director, Bureau of National Capital Airports.

[F.R. Doc. 65-11078; Filed, Oct. 15, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF TEXAS
Sulphur Lease Offer

Correction

In F.R. Doc. 65–10306, appearing at page 12545 of the issue for Friday, October 1, 1965, the following correction is made in the tabular matter under the heading reading "Official Leasing Map, Texas Map No. 7A": In the "Block" column, the first entry should read "84" instead of "34".

CIVIL AERONAUTICS BOARD

[Docket No. 15234]

INTERNATIONAL TOURS AND JACK E. HUMMEL
Enforcement Proceeding; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held before the undersigned Examiner on November 16, 1965, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., October 12, 1965.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 65–11127; Filed, Oct. 15, 1965; 8:45 a.m.]

[Docket No. 15406 etc.]

LAS VEGAS-GRAND CANYON NONSTOP SERVICE
Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on November 3, 1965, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 11, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65–11128; Filed, Oct. 15, 1965; 8:45 a.m.]

[Docket No. 14818]

OZARK AIR LINES, INC.
Renewal of Segments 12, 13, 14, and 15; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on November 10, 1965, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 11, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65–11129; Filed, Oct. 15, 1965; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES
Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

California Association of Port Authorities, 681 Market Street, San Francisco, Calif.

Agreement No. 7345–10, between the members of the California Association of Port Authorities, modifies the basic agreement of the parties which provides for the establishment and maintenance of just and reasonable, and as far as practicable, uniform terminal rates and charges, classifications, rules, regulations and practices at the members' terminals in the State of California. The purpose of the modification is to set forth a procedure for hearing and disposing of shippers requests and complaints.

Dated: October 13, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–11130; Filed, Oct. 15, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 13, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40064—*Dense soda ash to points in Arkansas and Oklahoma.* Filed by Southwestern Freight Bureau, agent (No. B–8768), for interested rail carriers. Rates on dense soda ash, in bulk, in covered hopper cars, in carloads, from specified points in Michigan, New York, and Ohio, also Saltville, Va., to specified points in Oklahoma, also Fort Smith, Ark.

Grounds for relief—Market competition.

Tariffs—Supplements 238 and 167 to Southwestern Freight Bureau, agent, tariffs ICC 4337 and 4406, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65–11123; Filed, Oct. 15, 1965; 8:45 a.m.]

[Notice 67]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 13, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests

must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13651 (Sub-No. 4 TA), filed October 11, 1965. Applicant: PEOPLES TRANSFER, INC., 1200 South Pacific Avenue, Post Office Box 1771, Yuma, Ariz. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix, Ariz., 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed supplements*, in bulk, from points in Arizona, to points in Kings, Fresno, Kern, Imperial, San Diego, Riverside, Los Angeles, Orange, and San Bernardino Counties, Calif., for 180 days. Supporting shipper: Serape Cotton Oil Co., Post Office Box 886, Chandler, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5045 Federal Building, Phoenix, Ariz., 85025.

No. MC 35835 (Sub-No. 20 TA), filed October 11, 1965. Applicant: JENSEN TRANSPORT, INC., 300 Ninth Avenue SE., Independence, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank trailers, from Muscatine, Iowa, to Chicago, Evanston, Champaign, and Kankakee, Ill.; St. Louis and Sedalia, Mo.; and Muncie, Ind., for 180 days. Supporting shipper: Grain Processing Corp., Muscatine, Iowa. Send protests to: Chas. C. Biggers, District Supervisor, Bureau of Operations and Compliance, 235 U.S. Post Office Building, Davenport, Iowa, 52801.

No. MC 55889 (Sub-No. 25 TA), filed October 8, 1965. Applicant: COOPER TRANSFER CO., INC., Post Office Box 426, Lee Street, Brewton, Ala. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities requiring the use of special equipment), (a) between Columbus, Ga., on the one hand, and, on the other, the plantsites of the Georgia Kraft Co., doing business as Alabama Kraft Co.; Mead Corp.; and, Inland Container Corp.; located at or near Cottonton, Ala., now known as Mahrt, Ala., and (b) serving the plantsites of Georgia Kraft Co., doing business as Alabama Kraft Co., Mead Corp., and Inland Container Corp. at or near Cottonton, Ala., now known as Mahrt, Ala., as off-route points in connection with carrier's otherwise authorized operations, for 180 days. Supporting shippers: The Mead Corp., Talbott Tower, Dayton, Ohio, 45402; Inland Container Corp., Indianapolis, Ind.; and the Rust Engineering Co., 2316 Fourth Avenue North, Birmingham, Ala., 35203. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1325 City Federal Building, Birmingham, Ala., 35203.

No. MC 58885 (Sub-No. 25 TA), filed October 11, 1965. Applicant: ATLANTA MOTOR LINES, INC., 1268 Caroline Street NE., Atlanta, Ga. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), serving the plantsite of H. D. Lee Co., Inc., at Trenton, Ga., as an off-route point in connection with the applicant's otherwise authorized operations, for 180 days. Supporting shipper: The H. D. Lee Co., Inc., 5201 Peachtree Road NE., Chamblee, Ga., 30005. Send protest to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street NW., Room 300 Atlanta, Ga., 30308.

No. MC 73165 (Sub-No. 200 TA), filed October 11, 1965. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, 830 North 33d Street, Birmingham, Ala. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages, from Smiths Bluff, Tex., to points in Alabama, Florida, Mississippi, and Tennessee, for 180 days. Supporting shipper: The Pure Oil Co., 200 East Golf Road, Palatine, Ill., 60067, (Attention: M. D. McHugh, General Traffic Manager). Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1325 City Federal Building, Birmingham, Ala., 35203.

No. MC 83835 (Sub-No. 46 TA), filed October 11, 1965. Applicant: WALES TRUCKING COMPANY, 905 Meyers Road, Post Office Box 6186, Grand Prairie, Tex. Applicant's representative: James W. Hightower, Wynnewood Professional Building, Dallas, Tex., 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings; compound, joint sealer, bonding cement, primer, coating, thinner and accessories, used in the installation of such products*, from points in Oklahoma County, Okla., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Pennsylvania, South Dakota, Texas, West Virginia, and Wyoming, and *damaged or rejected shipments*, on return, for 180 days. Supporting shipper: Continental Oil Co., Ponca City, Okla. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex., 75202.

No. MC 102616 (Sub-No. 774 TA), filed October 11, 1965. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa., 17405. Applicant's representative: S. E. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline and jet fuel*, in bulk, in tank vehicles, from Port Mahon, near Dover, Del., to Wallops Island, Va., for 180 days. Supporting shipper: NOTE: Applicant states the Department of Defense will support this application. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa.

No. MC 108937 (Sub-No. 26 TA), filed October 11, 1965. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, Minn., 55113. Applicant's representative: R. L. Stevens (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Industrial fuel oils burning and heating Nos. 4, 5, and 6: Road oil, including asphaltic compounds, emulsions and/or emulsified asphalt products*, in bulk, in tank vehicles, from points in the Minneapolis-St. Paul, Minn., commercial zone to points in Burnett, Washburn, Polk, Sawyer, Barron, Rusk, St. Croix, Dunn, Chippewa, Clark, Pierce, Pepin, Eau Claire, Buffalo, Trempeleau, and La Crosse Counties, Wis., for 180 days. Supporting shipper: W. H. Barber Oil Co., Box 630, Minneapolis, Minn., 55440. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 110098 (Sub-No. 69 TA), filed October 8, 1965. Applicant: ZERO REFRIGERATED LINES, Post Office Box 7249, Station A, 815 Merida Street, San Antonio, Tex., 78207. Applicant's representative: T. W. Cothren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products* other than frozen with or without other ingredients, cooked, diced, flaked, powdered, shredded or sliced, from Greenville, Mich. to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Kansas, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Wisconsin, for 180 days. Sup-

porting shipper: Ore-Ida Foods, Inc., Post Office Box 60, Ontario, Oreg., 97914. Send protests to: James H. Berry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Manion Building, San Antonio, Tex., 78205.

No. MC 114533 (Sub-No. 107 TA), filed October 8, 1965. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill., 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Papers used in processing of data by computing machines, punchcards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports, documents and office records*, between Chicago, Ill., on the one hand, and, on the other, Fort Atkinson, Wis., for 150 days. Supporting shipper: C. P. Division, St. Regis, 1243 West Washington Boulevard, Chicago, Ill., 60607. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 219 South Dearborn Street, Chicago, Ill., 60604.

No. MC 124078 (Sub-No. 159 TA), filed October 8, 1965. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bulk and in bags, from Montpelier, Iowa, to points in Arkansas, Kentucky, Michigan, Mississippi, Ohio, Tennessee, and those points in Pennsylvania on and west of U.S. Highway 219, for 150 days. Supporting shipper: Hooker Chemical Corp., Jeffersonville, Ind., 47130 (Samuel W. Bard, traffic manager). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-11124; Filed, Oct. 15, 1965; 8:45 a.m.]

[Notice 1247]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 13, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35397. By order of September 30, 1965, Transfer Board approved the lease to Fox Lake Movers, Inc., 110 Washington Street, Ingleside, Ill., of certificate in No. MC-30124, issued January 25, 1957, to Paul A. Koerth, doing business as Koerth Transfer, 4001 Drexel Avenue, Madison, Wis., authorizing the transportation of: Household goods, between points in Wisconsin within 50 miles of Madison, including Madison, between Madison, Wis., and points in Wisconsin within 50 miles of Madison, on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Michigan, Ohio, Florida, South Dakota, New York, New Jersey, Maryland, Missouri, Texas, Nebraska, and Wisconsin, between points in Wisconsin, on the one hand, and, on the other, points in Illinois.

No. MC-FC-68148. By order of September 30, 1965, Transfer Board approved the transfer to Anthony J. Bojorques and Iginia C. Bojorques, a partnership, doing business a Wegmann Truck Line, Elko, Nev., of certificate of registration in No. MC-121240 (Sub-No. 1), issued September 1, 1964, to Henry Wegmann, doing business as Wegmann Truck Line and acquired by Bernard Larios, doing business as Wegmann Truck Line, Elko, Nev., pursuant to approval and consummation in No. MC-FC-67615, authorizing the transportation of commodities generally, between Elko, Nev., and Owyhee, Nev., over a regular route, serving all intermediate points. Jack E. Hull, 518 Idaho Street., Elko, Nev., attorney for applicants.

No. MC-FC-68150. By order of October 5, 1965, Transfer Board authorized the acquisition by TTS Holding Corp., Waterford, N.Y., of the capital stock of High Adventure Tours, Inc., Mechanicville, N.Y., the holder of broker's license No. MC-12319, authorizing service as a broker at Mechanicville, Richfield Springs, and Syracuse, N.Y. James H. Glavin, III, Post Office Box 40, Waterford, N.Y., 12188, attorney for applicants.

No. MC-FC-68152. By order of September 30, 1965, Transfer Board approved the transfer to Ernest J. Brooks and James F. Brooks, a partnership, doing business as Trenton Motor Service, Trenton, Ill., of certificates in Nos. MC-17526, MC-17526 (Sub-No. 2), MC-17526 (Sub-No. 3), MC-17526 (Sub-No. 4), and MC-17526 (Sub-No. 5), issued March 18, 1952, March 18, 1952, March 18, 1952, March 18, 1952, and June 5, 1953, respectively, to Ernest J. Brooks and Francis W. Brooks, a partnership, doing business as Trenton Motor Service, Trenton, Ill., authorizing the transportation of: General commodities with the usual exceptions including household goods and commodities in bulk, over regular routes, between Bartelso, Ill., and St. Louis, Mo., between Trenton, Ill., and St. Louis, Mo., between Shattuc, Ill., and St. Louis, Mo., serving named intermediate and off-route points including points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and, dairy products, groceries, and agricultural implements, between Boulder and Hoffman, Ill., and St. Louis, Mo., serving named intermediate and off-route points. Delmar O. Koebel, 107 West St. Louis, Lebanon, Ill., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-11125; Filed, Oct. 15, 1965; 8:45 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—OCTOBER

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